

**EXECUTIVE COMMITTEE**

**INDEXES**

**2008**

**MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
INDEX OF 2008 EXECUTIVE COMMITTEE MINUTES**

<u>NAME</u>	<u>MONTH</u>
Auzine, Donald P, II . . . . .	July
Boyd, Larry Charles . . . . .	September
Cruz, Ruben S . . . . .	May
Gernett, John O'Dell . . . . .	September
Grafton, Thomas Webber . . . . .	September
Haddon, Werner Scott . . . . .	July
Harron, Andrew W. . . . .	January
Harron, Ray . . . . .	January
Hayne, Steven T . . . . .	May
. . . . .	June
. . . . .	September
Hemeter, Bill, M.D. (Applicant) . . . . .	March
Hillman, Joseph Carroll . . . . .	May
Kobs, Darcey Gus, Jr . . . . .	January
Knight, Charles . . . . .	May
. . . . .	July
. . . . .	September
. . . . .	November
Khuri, Radwan Rafik . . . . .	July
. . . . .	September
. . . . .	November
Lindsey, Reese Gibson . . . . .	January
Mayfield, Robert D . . . . .	March
McFadden, John . . . . .	November

**2008 INDEX OF EXECUTIVE COMMITTEE MINUTES -**

<b>Mellacheruvu, Sandeep</b> . . . . .	<b>July</b>
. . . . .	<b>September</b>
<b>Mills, Virginia M.</b> . . . . .	<b>November</b>
<b>Mitias, Johnny</b> . . . . .	<b>May</b>
<b>Montgomery, Larry Lee</b> . . . . .	<b>March</b>
<b>Morris, Gabrielle Fodor</b> . . . . .	<b>May</b>
<b>Nagel, Kim Elliot</b> . . . . .	<b>January</b>
<b>Nathan, Boomi T</b> . . . . .	<b>September</b>
<b>Ongkingco, Pacifico Dizon</b> . . . . .	<b>May</b>
<b>Pace, Sidney Kelton</b> . . . . .	<b>September</b>
. . . . .	<b>November</b>
<b>Palazzo, Maria Carmen</b> . . . . .	<b>May</b>
. . . . .	<b>July</b>
<b>Politi, Barry J</b> . . . . .	<b>May</b>
<b>Porter, Bruce E</b> . . . . .	<b>September</b>
<b>Rayner, Donald R</b> . . . . .	<b>January</b>
<b>Rivers, Stacie Lynne</b> . . . . .	<b>July</b>
<b>Russell, Stanley</b> . . . . .	<b>November</b>
<b>Shackelford, Karen B</b> . . . . .	<b>January</b>
<b>Shows, Billy Ray</b> . . . . .	<b>May</b>
. . . . .	<b>July</b>
<b>Sloan, Neil Burton</b> . . . . .	<b>July</b>
. . . . .	<b>September</b>
<b>Soriano, Augustus P</b> . . . . .	<b>March</b>
<b>Still, Jennifer N</b> . . . . .	<b>September</b>

**2008 INDEX OF EXECUTIVE COMMITTEE MINUTES -**

Tait, Laurel A (DPM) . . . . .	July
Tiemann, William E . . . . .	January
. . . . .	March
Trieu, Thomas Thanh . . . . .	July
Van, Thu-Hoa Victoria . . . . .	July
Ward, Joseph Paul . . . . .	September
. . . . .	November
White, John Paul . . . . .	July

\* \* \* \* \*

<u>TOPIC</u>	<u>MONTH</u>
<b>Approvals</b>	
AIM/FSMB Annual meetings . . . . .	January
American Medical Association . . . . .	May
2008 Coalition for physician enhancement (CPE) . . . . .	January
Mississippi State Medical Association . . . . .	May
<b>Consent Orders, Management of . . . . .</b>	May
<b>Hospice, Attorney General . . . . .</b>	May
. . . . .	July
<b>Legislation 2008</b>	
House Bill 495 . . . . .	March
House Bill 496 . . . . .	March
House Bill 1575 . . . . .	March
<b>Mississippi Professionals Health Program</b>	
Disbursement of funds . . . . .	January
2007 Annual Report . . . . .	November
<b>Naturopathic Physicians/Midwifery . . . . .</b>	September

**2008 INDEX OF EXECUTIVE COMMITTEE MINUTES -**

**Nurse Practitioners / Collaborating Physicians**

Onsite Visit Taylorsville Medical Clinic . . . . . **November**

**Physician Assistants**

Backup physicians in emergency rooms . . . . . **September**

**Policies / Regulations**

Closing of physician's office . . . . . **January**

Closing of physician's office / ending the physician - patient relationship . **March**

Use of laser devices . . . . . **January**

**Requests**

CRT Health, Charles Zee, Phd. . . . . **January**

Jimmy & Rosalynn Carter Work Project First Aid / E. Cortes, M.D. . . . . **March**

Mississippi State University for workforce data . . . . . **January**

Nursing Board . . . . . **January**

Telemedicine request, Charles Moreau, M.D. . . . . **July**

Physical Therapists issue . . . . . **January**

Region IV Mental Health . . . . . **May**

. . . . . **July**

**State of Emergency**

No longer extended by Gov Barbour . . . . . **January**

**BOARD  
INDEXES  
2008**

**MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
INDEX OF 2008 BOARD MINUTES**

<u>NAME</u>	<u>MONTH</u>
Burtman, Mark L . . . . .	September
Kaniadakis, Steven . . . . .	September
Mazur, Richard A . . . . .	July
Meredith, Margaret Littel (DPM). . . . .	May
Russell, Stanley C . . . . .	January
. . . . .	March
Sloan, Neil B . . . . .	January
. . . . .	March

\* \* \* \* \*

<u>TOPIC</u>	<u>MONTH</u>
Approvals	
CPEP meeting . . . . .	November
Board Committees	
Consumer Health	
Educational & Workforce	
Question on percent time spent working at each practice . . . . .	September
Scope of Practice	
Hospitalist . . . . .	November
PT's EMG issue . . . . .	November
Guidelines for physicians expanding their scope of practice . . . . .	November
Regulation language change on prescription guidelines . . . . .	November
Professionals Health Program	
Rules, Regulations, and Legislative	
Ethics	
Electronic Medical Records . . . . .	January
Budget	
FY 2010 . . . . .	September
No in-house attorney in 2010 budget . . . . .	November
Election, Board officers . . . . .	July

Ethics Commission - Statement of Economic Interest . . . . .	March
<b>Licensure</b>	
Expired licensure lists . . . . .	September
Manual renewal fee increase . . . . .	September
Fairmer vs California list of Medical Schools / 5 <sup>th</sup> Pathway . . . . .	November
<b>Magnolia Regional Health Center</b>	
Internal medicine residency program . . . . .	January
Memorandum of Understanding (MOU) . . . . .	March
Nursing Home mandates from CMS . . . . .	November
<b>Oath of Office</b>	
Larry B. Aycock . . . . .	September
Philip T. Merideth . . . . .	September
<b>Physician Assistants</b>	
Emergency Room backup physicians . . . . .	September
Letter DEA/CME Course approval request . . . . .	September
Request for extension - Claudia Moore . . . . .	July
<b>Policies/Regulations</b>	
Policy - Closing of Physician's Practice . . . . .	July
Policy - Ending the Patient - Physician Relationship . . . . .	July
Proposed amendment for laser devices . . . . .	January
Final adoption of amended regulation for laser devices . . . . .	March
Joint proposed amendment NP's Botox injections . . . . .	July
Final adoption of amended CME requirements . . . . .	January
Final adoption of amended licensure regulations . . . . .	January
Final adoption of amended physician advertising regulation. . . . .	January
Joint proposed amendment QA/QI Program Criteria . . . . .	July
Final adoption amendment QA/QI Program Criteria (no decision). . . . .	September
QA/QI - (no decision - referred back to Scope of Practice) . . . . .	November
Proposed amendment to regulations pertaining to prescribing, administering and dispensing of medications . . . . .	March
Final adoption of amended (with changes) of regulation pertaining to prescribing, administering and dispensing of medications . . . . .	May
Proposed amendment to regulation concerning the practice of PA's . . . . .	May
Final adoption of amended regulation concerning the practice of PA's . . . . .	July
Proposed amendment to licensure regulation governing the practice of Podiatrists . . . . .	September



Final adoption of amended regulation governing podiatrists . . . . . November  
Proposed amendment to regulation concerning the practice of RA's . . . . . May  
Final adoption of amended regulation concerning the practice of RA's . . . . . July

**Presentations**

Federation of State Medical Boards update by Freda Bush, M.D. . . . . March  
Physical Therapy EMG by Arturo Leis, M.D. . . . . March  
Physical Therapy Board (EMG) . . . . . May  
The Oxford Centre, Scott Hambleton . . . . . September  
UMC - Mart McMullan - Request licensure issues . . . . . July

**Recognition**

Crawford, Dewitt . . . . . September  
Washington, Thomas -Ronald K. Williamson Award . . . . . May

**Requests**

Waiver, Michael Murphy, D.O, Dean William Carey . . . . . July

**TelEmergency Update**

Galli report . . . . . November

JANUARY 2008

LAUREN

**MINUTES  
EXECUTIVE COMMITTEE MEETING  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
JANUARY 23, 2008**

**MEMBERS PRESENT:**

Philip T. Merideth, M.D., J.D., Jackson, President  
Don A. Gibson, M.D., Richland, Vice President  
William S. Mayo, D.O., Oxford, Secretary  
Dewitt G. Crawford, M.D., Louisville

**ALSO PRESENT:**

H. Vann Craig, M.D., Director  
Stan T. Ingram, Complaint Counsel for the Board  
Ellen O'Neal, Assistant Attorney General  
Rhonda Freeman, Bureau Director, Licensure Division  
Thomas Washington, Bureau Director, Investigative Division  
Mickey Boyette, Investigator, Investigative Division  
Sherry Harris, Staff Officer

The Executive Committee of the Mississippi State Board of Medical Licensure met on Wednesday, January 23, 2008, at 1:00 p.m. in the Executive Conference Room of the Office of the Board located at 1867 Crane Ridge Drive, Jackson, Mississippi.

**REQUEST FROM CHARLES ZEE, PH.D., CRT HEALTH, INC.**

Dr. Craig advised that CRT Health, Inc., a service provider for ophthalmology practices, had contacted the Board to see if physicians licensed in Mississippi can act in an intermediary role and use their license to purchase drugs for subsequent distribution to compounding pharmacies that in turn will sell to other doctors. After a brief discussion, the Executive Committee unanimously agreed to advise CRT Health that the Board feels that the liability and ethics of resale for profit were problems. That said, the Board feels this is not a Licensure issue.

**PHYSICAL THERAPISTS ISSUE**

Dr. Craig advised that Mrs. O'Neal, Assistant Attorney General, had been contacted by the attorney for the Physical Therapy Board concerning their statute allowing physical therapists to use electromyography independently from physicians. After a brief discussion, the Executive Committee unanimously agreed to have Ms. O'Neal invite representatives of the Physical Therapy Board to make a presentation at the March Board meeting.

**EXECUTIVE COMMITTEE MINUTES**

**January 23, 2008**

**Page 2**

**DR. MERIDETH EXITED THE MEETING AT 1:30 P.M.**

**DR. MAYO ENTERED THE MEETING AT 1:30 P.M.**

**REVIEW RULES AND REGULATIONS CONCERNING THE USE OF LASERS BY DENTISTS**

Dr. Craig advised that dentists are using lasers for teeth whitening, etc., and that the Board needs to revisit our regulation to clarify use of lasers by dentists. After a brief discussion, motion was made by Dr. Crawford, seconded by Dr. Mayo, and carried unanimously to present adding the following statement to our current regulation, "these rules and regulations shall not apply to any person licensed to practice dentistry if the laser, pulsed light, or similar device is used exclusively for the practice of dentistry," to the Full Board for approval.

**POLICY TO ADDRESS CLOSING OF PHYSICIAN'S OFFICE**

Dr. Craig advised that at the present time the Board does not have a regulation or policy that addresses the closing of a physician's office or handling of patient files. After a brief discussion, the Executive Committee requested that Dr. Craig draft a policy to discuss at the next Executive Committee meeting.

**PERSONAL APPEARANCE BY DONALD R. RAYNER, M.D., LONG BEACH, MISSISSIPPI MEDICAL LICENSE NUMBER 03987**

Dr. Rayner 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. Rayner addressed the Executive Committee and stated the purpose of his request is to petition the Board to remove the probationary conditions that were placed on his medical license on November 15, 2001.

After a brief discussion, motion was made by Dr. Gibson, seconded by Dr. Mayo, and carried unanimously to remove all restrictions placed on Dr. Rayner's license. A copy of the Order Removing All Restrictions is attached hereto and incorporated by reference.

## **EXECUTIVE COMMITTEE MINUTES**

**January 23, 2008**

**Page 3**

### **REESE GIBSON LINDSEY, D.O., CLEVELAND, MISSISSIPPI MEDICAL LICENSE NUMBER 17581, DETERMINATION OF REASONABLE CAUSE AND ORDER OF AUTHORITY TO INSPECT AND COPY RECORDS**

Mickey Boyette, Board Investigator, addressed the Executive Committee and presented to them those facts necessary to make a determination of reasonable cause pursuant to Miss. Code Ann. 73-25-28, to inspect records of Dr. Lindsey. After questioning Mr. Boyette, motion was made by Dr. Mayo, seconded by Dr. Gibson, and carried unanimously that reasonable cause did exist and made the decision to allow Mr. Boyette and Dr. Craig approval to obtain and copy records necessary for the investigation.

### **REQUEST FROM BOARD OF NURSING TO JOINTLY PROMULGATE REGULATION**

For informational purposes only, Dr. Craig advised that the Board had received a letter from the Board of Nursing requesting that we jointly promulgate the e-prescribing regulation.

### **2008 COALITION FOR PHYSICIAN ENHANCEMENT (CPE) MEETING IN DALLAS, APRIL 10-11, 2008**

Dr. Craig discussed the agenda for the CPE meeting in Dallas and advised that he would like to attend. After a brief discussion, motion was made by Dr. Mayo, seconded by Dr. Gibson, and carried unanimously to approve Dr. Craig's request.

### **APPROVAL OF STAFF ATTENDING AIM AND FSMB ANNUAL MEETINGS IN SAN ANTONIO, APRIL 30 THRU MAY 3, 2008**

Motion was made by Dr. Mayo, seconded by Dr. Gibson, and carried unanimously to approve expenses for the following individuals to attend the Administrators in Medicine and Federation of State Medical Boards' Annual Meeting in San Antonio, April 30 thru May 3: Thomas Washington, Rhonda Freeman and Sherry Harris. Also, the Executive Committee approved Dr. Dewitt Crawford to attend the Federation portion of the meeting.

### **UPCOMING 2008 INVESTIGATOR TRAINING IN LAS VEGAS, JULY 8-10, 2008**

Thomas Washington, Bureau Director, Investigative Division, advised that at the present time no one needs to attend the above meeting.

**EXECUTIVE COMMITTEE MINUTES**

**January 23, 2008**

**Page 4**

**KIM ELLIOT NAGEL, M.D., APPLICANT FOR LICENSURE**

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

Dr. Craig discussed a Consent Order that has been signed by Dr. Nagel that restricts Dr. Nagel's practice to the Mississippi State Penitentiary, Parchman, MS., or other correctional facilities under the jurisdiction of the MS Department of Corrections. After a brief discussion, motion was made by Dr. Mayo, seconded by Dr. Crawford, and carried unanimously to accept Dr. Nagel's Consent Order. A copy of the Consent Order is attached hereto and incorporated by reference.

**KAREN B. SHACKELFORD, M.D., JACKSON, MISSISSIPPI MEDICAL LICENSE NUMBER 14931, SURRENDER OF MEDICAL LICENSE**

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

Dr. Craig discussed the voluntary surrender of medical license received from Dr. Shackelford. After a brief discussion, motion was made by Dr. Crawford, seconded by Dr. Mayo, and carried unanimously to accept Dr. Shackelford's Surrender of Medical License. A copy of the Surrender of Medical License is attached hereto and incorporated by reference.

**WILLIAM E. TIEMANN, M.D., NEW ORLEANS, LA, MISSISSIPPI MEDICAL LICENSE NUMBER 19127, CONSENT ORDER**

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

Dr. Craig advised that the Board had been made aware of disciplinary action taken by Kentucky and had sent Dr. Tiemann a proposed Consent Order as a result of Kentucky's action. Dr. Craig advised that Dr. Tiemann had signed and returned the Consent Order for the Board's approval.

Motion was made by Dr. Mayo, seconded by Dr. Crawford, and carried unanimously to accept the Consent Order. A copy of the Consent Order is attached hereto and incorporated by reference.

**DARCEY GUS KOBBS, JR., M.D., HATTIESBURG, MISSISSIPPI MEDICAL LICENSE NUMBER 05934**

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

Dr. Craig advised that Dr. Kobs had appeared at the November 7, 2007,

## **EXECUTIVE COMMITTEE MINUTES**

**January 23, 2008**

**Page 5**

Executive Committee meeting and agreed to accept a Consent Order. Dr. Craig advised that Dr. Kobs signed the Consent Order and since that time the Board has received a request from Dr. Kobs' attorney requesting language modification. Dr. Craig discussed the modification and after a brief discussion, motion was made by Dr. Crawford, seconded by Dr. Gibson, and carried unanimously to accept the Modified Consent Order. A copy of the Modified Consent Order is attached hereto and incorporated by reference.

### **ANDREW W. HARRON, D.O., KENOSHA, WI, AND RAY HARRON, M.D., BRIDGEPORT, WV, DISPUTING NATIONAL PRACTITIONER DATA BANK VERBIAGE**

For informational purposes only, Dr. Craig advised that the Board had received requests from Dr. Andrew Harron and Dr. Ray Harron requesting the Board make corrections to information supplied to the National Practitioner Data Bank. After a brief discussion, the Executive Committee agreed to leave the reports as previously submitted.

### **JOINT COMMITTEE MEETING FEBRUARY 8, 2008, 3:00 P.M.**

For informational purposes only, Dr. Craig advised the next Joint Committee meeting will be held at the Board of Nursing on February 8, 2008. Dr. Craig also advised that there will be a reception at the Board of Nursing for their new Executive Director, Melinda Rush, DNS,FNP, on Thursday, February 7, from 4 - 6 p.m.

### **OTHER BUSINESS**

Dr. Craig advised that the Board had received a request from Mississippi State University to supply information concerning physician assistants to be used in their workforce data. Dr. Craig advised the Board has previously supplied the information on physicians. The Executive Committee unanimously agreed to supply the requested physician assistant information.

Dr. Craig advised that Governor Barbour is no longer extending the State of Emergency relative to Hurricane Katrina. That being said, the Board can no longer issue temporary licenses for physicians working on the Gulf Coast.

Dr. Craig briefly discussed the Memorandum of Understanding with Mississippi Health Professionals Program (MPHP) and several items that are currently being discussed with Mississippi State Medical Association (MSMA). The Executive Committee unanimously agreed that we should continue with the semi-annual disbursement of funds to MPHP.

**EXECUTIVE COMMITTEE MINUTES**

**January 23, 2008**

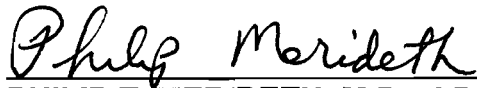
**Page 6**

**REVIEW OF JANUARY 24, 2008, BOARD AGENDA**

Dr. Craig briefly reviewed the agenda for tomorrow's Board meeting.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 3:15 p.m.



---

**PHILIP T. MERIDETH, M.D., J.D.**

**President**

Minutes taken and transcribed

by Sherry Harris

Staff Officer

January 23, 2008



## Chapter 16 Laser Devices

- 100 The use of laser, pulsed light or similar devices, either for invasive or cosmetic procedures, is considered to be the practice of medicine in the state of Mississippi and therefore such use shall be limited to physicians and those directly supervised by physicians, such that a physician is on the premises and would be directly involved in the treatment if required. These rules and regulations shall not apply to any person licensed to practice dentistry if the laser, pulsed light, or similar device is used exclusively for the practice of dentistry.

**Adopted March 18, 1999. Amended May 19, 2005. Amended January 18, 2007.  
Amended March 8, 2007. Amended May 17, 2007.**

**AGREEMENT TO APPEAR INFORMALLY BEFORE EXECUTIVE COMMITTEE**

I, Donald R. Rayner, 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 23 day of January, 2008.

Donald R. Rayner, MD

Witness:

Sherry Harris

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

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

**OF**

**DONALD RAY RAYNER, M.D.**

**ORDER REMOVING ALL RESTRICTIONS**

**THIS MATTER** came on regularly for consideration on January 23, 2008, before the Executive Committee of the Mississippi State Board of Medical Licensure, in response to the request of Donald Ray Rayner, M.D. (hereinafter "Licensee"), seeking removal of all restrictions on his license to the practice medicine in the State of Mississippi. By virtue of that certain Consent Order dated April 12, 2001, Licensee's certificate to practice medicine in the State of Mississippi was indefinitely suspended effective July 5, 2001, as a result of conviction of a felony or misdemeanor involving moral turpitude. By virtue of the conviction, Licensee was sentenced to incarceration in the Federal Prison System for a period of four (4) months beginning July 5, 2001, followed by certain probationary terms and conditions for a period of three (3) years. By Order dated November 15, 2001, Licensee was authorized to return to the practice of medicine subject to certain terms and conditions, one of which was completion of all federal probationary terms and conditions. On January 23, 2008, Licensee appeared before the Executive Committee of the Board requesting removal of all restrictions on his medical license. The Executive Committee of the Board, after hearing said request and determining that all prerequisites have now been met, finds the same to be well-taken.

**IT IS HEREBY ORDERED**, that Licensee's request for removal of all restrictions on his license to practice medicine 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 Donald Ray Rayner, M.D.

**ORDERED**, this the 23rd day of January, 2008.

**MISSISSIPPI STATE BOARD OF  
MEDICAL LICENSURE**

BY:   
\_\_\_\_\_  
PHILIP T. MERIDETH, M.D., J.D.,  
PRESIDENT

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

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

**KIM ELLIOT NAGEL, M.D.**

**CONSENT ORDER**

**WHEREAS**, there is now pending before the Mississippi State Board of Medical Licensure (hereinafter referred to as "Board"), the application of Kim Elliot Nagel, M.D., Littleton, Colorado, (hereinafter referred to as "Applicant"), for a license to practice medicine in the State of Mississippi; and

**WHEREAS**, on or about January 15, 2004, Applicant surrendered his Certificate of Qualification and License to practice medicine in the State of Colorado based on charges of unprofessional conduct relating to sexual misconduct with patients; and

**WHEREAS**, on October 16, 2003, the Department of Health and Human Services Regulation and Licensure denied Applicant's petition for a license to practice medicine and surgery in the State of Nebraska due to Applicant's commission of acts of sexual misconduct and exploitation related to the practice of medicine and surgery and having had disciplinary action taken against Applicant's license in the State of Colorado; and

**WHEREAS**, in connection with his application for a license to practice medicine in the State of Mississippi, Applicant submitted to a Comprehensive Clinical Competency Evaluation by Upstate NY Clinical Competency Center; and

**WHEREAS**, on September 4, 2007, through September 7, 2007, Applicant submitted for a Professional Fitness to Practice Evaluation at Acumen Assessments Inc. in Lawrence, Kansas. Applicant was referred to the assessment by the Mississippi

Professionals Health Program (MPHP) ; and

**WHEREAS**, Applicant met with the MPHP on November 28, 2007, and after reviewing documentation provided by Applicant, including a report from Accumen Assessments Inc., the MPHP found the Applicant's treatment process and documentation to be in order and agreed to support him for licensure in the State of Mississippi, subject to a monitoring contract; and

**WHEREAS**, pursuant to Subsection (8)(d) of Section 73-25-29 and Section 73-25-83(a), Miss. Code Ann. (1972), the aforementioned disciplinary action in the States of Colorado and Nebraska, as well as past sexual misconduct, constitutes unprofessional and unethical conduct for which the Board may deny Applicant's application for a Mississippi medical license, or take any other action in relation to his application as the Board may deem proper under the circumstances; and

**WHEREAS**, it is the desire of Applicant to avoid a hearing before the Mississippi State Board of Medical Licensure, and in lieu thereof requests that the Board take action as specified below;

**NOW, THEREFORE**, the Mississippi State Board of Medical Licensure, with consent of Applicant as signified by his joinder herein, does hereby grant unto Applicant a license to practice medicine in the State of Mississippi, subject to the following probationary terms and conditions, to-wit:

1. Until authorized otherwise by order of the Board, Applicant's practice in the State of Mississippi shall be limited to the Mississippi State Penitentiary, Parchman, Mississippi or other correctional facilities under the jurisdiction of the Mississippi Department of Corrections. Applicant shall practice in a

supervised structured environment, which practice shall be limited to treatment of male patients only.

2. Applicant shall have a practice monitor to oversee his care of patients on at least a monthly basis for a period of one year. Monthly reports shall be made to the Board. At the end of one year, the monitor, along with the Board's Executive Director, will determine if further oversight will be required.
3. Applicant shall report CME activities in the following areas within the first year of his return to practice:
  - a. Use of opioids for chronic pain and palliative care
  - b. Medical ethics and issues of consent
  - c. Confidentiality and autonomy
  - d. Neurological aspects of general psychiatric careCME reports shall include certificates of attendance, course descriptions and dates of attendance.
4. Applicant shall comply with all of the terms and conditions of the Monitoring Agreement entered into by and between Applicant and MPHP. In the event Applicant fails to comply with any or all of the terms and conditions of the Monitoring Agreement, or violates any of the terms and conditions of this Consent Order, the Board shall have the right without hearing to issue an order of prohibition, thereby prohibiting Applicant from practicing medicine pending the outcome of a full evidentiary hearing based on the violations alleged.
5. Applicant shall have the right to petition the Mississippi State Board of

Medical Licensure for release of any or all of the above enumerated conditions after expiration of two (2) years from the effective day hereof. Thereafter, any right to petition the Board for reconsideration shall be at reasonable intervals, but not less than twelve (12) months from date of last appearance.

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

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

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, Kim Elliot Nagel, 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 authorizing the issuance of a license to practice medicine in the State of Mississippi, subject to those terms and conditions enumerated above.

EXECUTED, this the 26<sup>th</sup> day of December, 2007.

Kim Elliot Nagel, M.D.  
KIM ELLIOT NAGEL, M.D.

ACCEPTED AND APPROVED this the 23<sup>rd</sup> day of January, 2008, by the  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE.

BY:

Philip Merideth  
PHILIP T. MERIDETH, M.D., J.D.  
PRESIDENT

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

KAREN SHACKELFORD, M.D.

SURRENDER OF MEDICAL LICENSE

WHEREAS, KAREN SHACKELFORD, M.D., hereinafter referred to as "Licensee," is the current holder of License Number 14931, issued on 07/22/1996, to practice medicine in the State of Mississippi;

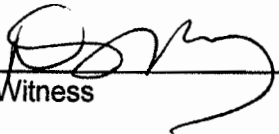
WHEREAS, Licensee's practice is currently subject to a non-disciplinary Recovery Contract Agreement with the Mississippi Professional Health Program (MPHP);

WHEREAS, Licensee has decided to cease the practice of medicine and has closed her practice: for medical reasons.

NOW THEREFORE, Licensee hereby agrees to:

1. Licensee shall terminate her practice of medicine, effective the date of execution of this agreement.
2. Licensee shall tender to the Board her license, DEA registration, and all other evidence of licensure, effective the date of execution of this agreement.

EXECUTED this the 20<sup>th</sup> day of December, 2007.

  
Witness

  
KAREN SHACKELFORD, M.D.

ACCEPTED AND APPROVED this the 23<sup>rd</sup> day of January 2008, by the Mississippi State Board of Medical Licensure.

  
PHILIP T. MERIDETH, M.D., J.D.,  
PRESIDENT

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

**OF**

**WILLIAM E. TIEMANN, M.D.**

**CONSENT ORDER**

**WHEREAS, WILLIAM E. TIEMANN, M.D.**, hereinafter referred to as "Licensee" is the current holder of License No. 19127, issued for the practice of medicine in the State of Mississippi;

**WHEREAS**, on July 29, 2007, Licensee entered into an Agreed Order of Indefinite Restriction with the Commonwealth of Kentucky Board of Medical Licensure, placing certain restrictions on his medical license;

**WHEREAS**, pursuant to Subsections (8)(d) and (9) of Section 73-25-29, Mississippi Code (1972), Annotated, the aforementioned actions by the Medical Board of Kentucky constitutes restrictions placed on his license in another jurisdiction, grounds for which the Mississippi State Board of Medical Licensure may revoke the Mississippi medical license of Licensee, suspend his right to practice for a time deemed proper by the Board, place his license on probation, the terms of which may be set by the Board or take any other action in relation to his license as the Board may deem proper under the circumstances;

**NOW, THEREFORE**, the Mississippi State Board of Medical Licensure with consent of Licensee as signified by his joinder herein, does hereby place the same restrictions on Licensee's medical license as those placed by Kentucky, *to-wit*:

1. Licensee shall not perform any act which would constitute the "practice of medicine," as that term is defined by MS Code 73-25-33, i.e. to suggest, recommend, prescribe, or direct for the use of any person, any drug, medicine, appliance, or other agency, whether material or not material, for the cure, relief, or palliation of any ailment or disease of the mind or body, or for the cure or relief of any wound or fracture or other bodily injury or deformity, or the practice of obstetrics or midwifery, after having received, or with the intent of receiving therefore, either directly or indirectly, any bonus, gift, profit or compensation;
2. The Mississippi Board of Medical Licensure will not consider a petition for reinstatement unless certain documents are submitted, which shall include:
  - a. a copy of Licensee's contract with the Kentucky Physicians Health Foundation or any state professionals health program by which he is currently being monitored;
  - b. a copy of the discharge summary from the residential treatment Licensee has submitted to and any reports of any other evaluations performed;
  - c. if not included in any of the above reports, a statement of all aftercare requirements for licensee, and;
  - d. receipt by the Board of a written assessment that the licensee may safely resume the practice of medicine with reasonable skill and safety to the public.
3. Licensee shall obey all federal, state and local laws, and all rules and regulations governing the practice of medicine.

4. In the event Licensee suffers a relapse and/or fails to comply with any or all of the conditions imposed by his state monitoring contract or the Agreed Order of the Commonwealth of Kentucky, Licensee shall immediately be prohibited from practicing medicine until such time as the Board determines that Licensee is able to return to the practice of medicine. Summary suspension pursuant to this paragraph shall be for an indefinite period of time, notwithstanding any term or right to petition the Board for reinstatement provided herein. The Board may, in its sole discretion, require Licensee to undergo further evaluation for chemical dependency.

Licensee shall maintain advocacy with the Kentucky Physicians Health Foundation and/or the Louisiana Physicians Health Program. At such time as Licensee seeks removal of conditions on his Mississippi medical license, the Board reserves the right, at its sole and absolute discretion, to utilize any information or reports from the appropriate physician's health program, or any other source, to impose any other restrictions it deems necessary to protect the public. In so doing, Licensee hereby authorizes the Board to request and obtain any and all private health information which it deems necessary, and Licensee shall execute such waiver or releases necessary to accomplish release of such private health information.

Licensee shall have the right, but not the obligation, to petition the Board for removal of the aforementioned restrictions at such time as he has successfully completed all terms and conditions as required by the Commonwealth of Kentucky.

Licensee shall report in writing to the Mississippi State Board of Medical Licensure within fifteen (15) days should his medical license in any state or federal jurisdiction be subject to investigation or disciplinary action. Licensee shall notify the Mississippi State

Board of Medical Licensure no less than sixty (60) days prior to relocating his practice to the State of Mississippi.

Pursuant to Miss. Code Ann., Section 73-25-30, Licensee shall pay all costs and fees related to the investigation and conduct of the proceedings associated with the disciplinary action taken herein. Licensee shall be advised of the total assessment by separate written notification, and shall have a certified check or money order made payable to the Mississippi State Board of Medical Licensure on or before forty (40) days from the day of acceptance and approval of this Consent Order by the Board.

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

Licensee understands and expressly acknowledges that this Consent Order, if approved and executed by the Mississippi State Board of Medical Licensure, shall constitute a public record of the State of Mississippi. Licensee further acknowledges that the Board shall provide a copy of this Order to, among others, the U.S. Drug Enforcement

Administration, and the Board makes no representation as to action, if any, which the U.S. Drug Enforcement Administration may take in response to this Order.

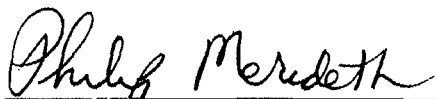
Pursuant to Mississippi Code Annotated, Section 73-25-63(5), this Consent Order shall not be used against Licensee in any other legal proceedings.

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

Executed, this the 23<sup>rd</sup>, day of January, 2008.

  
**WILLIAM E. TIEMANN, M.D.**

**ACCEPTED AND APPROVED** this the 23<sup>rd</sup>, day of January, 2008, by the Mississippi State Board of Medical Licensure.

  
**PHILIP T. MERIDETH, M.D., J.D.**  
**PRESIDENT**

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

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

**OF**

**DARCEY GUS KOBS, JR., M.D.**

**MODIFIED CONSENT ORDER**

WHEREAS, **DARCEY GUS KOBS, JR., M.D.**, hereinafter referred to as "Licensee," is the current holder of License Number No. 05934, issued December 4, 1969, to practice medicine in the State of Mississippi;

WHEREAS, on or about July 24, 2006, Forrest General Hospital, pursuant to terms and conditions of a Contract for Radiological Services with the Hattiesburg Radiology Group withdrew Licensee's privileges at the hospital pending further review by the Quality Management Committee (QMC) based on certain CT radiological interpretations performed by Licensee. On July 24, 2006, Licensee resigned from the medical staff of Forrest General Hospital. The basis for the QMC review of Licensee's interpretations was described in a National Practitioner Data Bank report as "substandard or inadequate skill level."

WHEREAS, such conduct, if established in a due process hearing before the Board, would constitute being disciplined by a licensed hospital or medical staff of said hospital or the voluntary surrender or resignation of hospital privileges while an investigation or disciplinary proceeding is being conducted by said licensed hospital medical staff; all in violation of Subsections (c) of Miss. Code Ann. Section 73-25-83, being grounds for which the Mississippi State Board of Medical Licensure may place Licensee's medical license on



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

WHEREAS, Licensee through communications with the Mississippi State Board of Medical Licensure has expressed his desire to restrict himself to reading plain films, and no longer take night or weekend call;

WHEREAS, so as to avoid a disciplinary hearing, Licensee has further agreed to memorialize his agreement with the Board by virtue of this Modified Consent Order;

NOW, THEREFORE, Licensee hereby agrees to the following restrictions on his license to practice medicine in the State of Mississippi, to-wit:

1. Until authorized by order of this Board, Licensee's radiology practice shall be limited to reading plain films and Computerized Tomography ("CT") films; however, such limitation shall not include Computerized Tomography Angiogram ("CTA") films.
2. Until authorized otherwise by order of this Board, Licensee hereby agrees that ten percent (10%) of all computerized tomography radiology reports issued by Licensee, chosen at random, shall be overread by a Mississippi licensed and qualified radiologist, acceptable to this Board, and a comparative report shall be submitted on a monthly basis to the Mississippi State Board of Medical Licensure, to the attention of its Executive Director.
3. Prior to petitioning the Board for removal of the above enumerated restrictions as voluntarily agreed to herein, Licensee shall complete an additional one (1) year post-graduate training in radiological studies at a facility and/or school approved in advance and in writing by the Mississippi State Board of Medical Licensure.
4. Pursuant to Miss. Code Ann., Section 73-25-30, Licensee agrees to pay all costs associated with the disciplinary action taken herein. Licensee shall be advised of the total assessment by separate written notification, and shall have a certified check or money order made payable to the Mississippi State Board of Medical Licensure on or before forty (40) days from the day of acceptance and approval of this Modified Consent Order by the Board.

Licensee understands and expressly acknowledges that this Modified Consent Order 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 (1972) Annotated, Sections 73-25-1 et seq., to be represented therein by legal counsel of his choice, and to a final decision based upon written findings of fact and conclusions of law, DARCEY GUS KOBBS, JR., M.D., nonetheless hereby waives his right to notice and a formal adjudication of charges, and authorizes the Board to enter this Modified Consent Order, thereby placing the above enumerated restrictions on his license to practice medicine in the State of Mississippi.

EXECUTED this the 23<sup>rd</sup> day of January, 2008.

Mississippi State Board of Medical Licensure

By: Philip Merideth  
Philip Merideth, M.D., J.D., President

ACCEPTED, this the 4<sup>th</sup> day of Feb., 2008.

Darcey Gus Kobbs, M.D.

**BOARD MINUTES**  
**MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**  
**JANUARY 24, 2008**

The regularly scheduled meeting of the Mississippi State Board of Medical Licensure was held on Thursday, January 24, 2008, in the Board Room of the Office of the Board located at 1867 Crane Ridge Drive, Jackson, Mississippi.

The following members were present:

Philip T. Merideth, M.D., J.D., Jackson, President  
Don A. Gibson, M.D., Richland, Vice President  
William S. Mayo, D.O., Oxford, Secretary  
Larry B. Aycock, M.D., McComb  
Dewitt G. Crawford, M.D., Louisville  
Virginia M. Crawford, M.D., Hattiesburg  
A. Wallace Conerly, M.D., Jackson  
S. Randall Easterling, M.D., Vicksburg  
William B. Harper, D.O., Greenwood

Also present:

H. Vann Craig, M.D., Director  
Stan T. Ingram, Complaint Counsel for the Board  
Ellen O'Neal, Assistant Attorney General  
Rhonda Freeman, Bureau Director, Licensure Division  
Thomas Washington, Bureau Director, Investigative Division  
Sherry Harris, Staff Officer  
Wesley Breland, Hattiesburg, Consumer Health Committee

Not present:

Cecil R. Burnham, Jackson, Consumer Health Committee  
Martha Thompson, Oxford, Consumer Health Committee

The meeting was called to order at 9:00 a.m. by Dr. Merideth, President. The invocation was given by Dr. Gibson and the pledge was led by Dr. D. Crawford. Dr. Merideth extended a welcome to all visitors present at the meeting. Thomas Washington, Bureau Director, Investigative Division, introduced Ruby Litton, RN, and advised the Board that Mrs. Litton has accepted the position of Quality Assurance Nurse/Compliance Investigator.

**BOARD MINUTES**  
**January 24, 2008**  
**Page 2**

Dr. Merideth opened the floor for public comments. There were no public comments brought before the Board for discussion.

**APPROVAL OF CERTIFICATION OF MISSISSIPPI LICENSES TO OTHER ENTITIES FOR THE PERIOD NOVEMBER 01, 2007, THROUGH DECEMBER 31, 2007**

One hundred sixty-six (166) licenses were certified to other entities for the period November 01, 2007, through December 31, 2007. Motion was made by Dr. Easterling, seconded by Dr. Mayo, and carried unanimously to approve these certifications.

**APPROVAL OF LICENSES ISSUED FOR THE PERIOD NOVEMBER 01, 2007, THROUGH DECEMBER 31, 2007**

Fifty-five (55) licenses were issued for the period November 01, 2007, through December 31, 2007. Motion was made by Dr. D. Crawford, seconded by Dr. Gibson, and carried unanimously to approve these licenses.

**REVIEW OF MINUTES OF THE EXECUTIVE COMMITTEE MEETING DATED NOVEMBER 07, 2007, AND MINUTES OF THE BOARD MEETING DATED NOVEMBER 08, 2007**

Minutes of the Executive Committee Meeting dated November 07, 2007, and Minutes of the Board Meeting dated November 08, 2007, were reviewed. Dr. Mayo moved for approval of the minutes as submitted. Dr. Gibson seconded the motion, and it carried unanimously.

**REPORT OF JANUARY 23, 2008, EXECUTIVE COMMITTEE MEETING**

Dr. Craig briefly reported on the January 23, 2008, Executive Committee meeting.

Dr. Craig advised that Mrs. O'Neal, Assistant Attorney General, had been contacted by the attorney for Physical Therapy Board concerning their statute allowing physical therapists to use electromyography independently from physicians. Dr. Craig advised that the Executive Committee unanimously agreed to invite representatives of the Physical Therapy Board to make a presentation at our March Board meeting.

Dr. Craig advised that the Executive Committee discussed proposed changes to our regulation concerning laser devices to clarify use of lasers by dentists. A copy of the proposed changes was distributed to Board members. After a brief discussion, motion was made by Dr. Mayo, seconded by Dr. D. Crawford, and carried unanimously of the Board's intent to adopt the proposed amendment to our regulation concerning

## **BOARD MINUTES**

**January 24, 2008**

**Page 3**

Laser Devices. A copy of the proposed amendment is attached hereto and incorporated by reference. The proposed amended regulation will be filed with the Secretary of State under the Administrative Procedures Act.

Dr. Craig presented other informational items which are reflected in the Executive Committee Minutes. Motion was made by Dr. Mayo, seconded by Dr. Conerly, and carried unanimously to ratify the actions of the Executive Committee.

### **REPORTS FROM COMMITTEES**

**Consumer Health** - Mr. Breland (Chair), Ms. Thompson, Mr. Burrham

Mr. Breland advised there was no new information to report.

**Education & Workforce** - Dr. Conerly (Chair), Dr. D. Crawford, Dr. Mayo

Dr. Conerly advised there was no new information to report.

**Scope of Practice** - Dr. V. Crawford (Chair), Dr. Easterling, Dr. Aycock

Dr. V. Crawford advised there was no new information to report.

**Professional Health Program** - Dr. Gibson (Chair), Dr. Mayo, Dr. Merideth

Dr. Gibson advised there was no new information to report.

**Rules, Regulation & Legislative** - Dr. Easterling (Chair), Dr. D. Crawford, Dr. Harper

Dr. Easterling advised there was no new information to report.

**Ethics** - Dr. Merideth (Chair), Dr. V. Crawford, Dr. Conerly

Dr. Merideth advised there was no new information to report.

**Electronic Medical Records** - Dr. Aycock (Chair), Dr. V. Crawford, Dr. Mayo

Dr. Aycock advised that in reviewing our current regulation pertaining to prescribing, administering, and dispensing of medication that the Board needs to consider language clarification concerning the nature of signatures. After a brief discussion, Dr. Merideth requested that Dr. Aycock and the Electronic Medical Records Committee draft proposed changes to be discussed at the March Board meeting.

**HEARING IN THE CASE OF NEIL B. SLOAN, M.D. CORINTH, MISSISSIPPI  
MEDICAL LICENSE NUMBER 19029**

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

Mr. Ingram addressed the Board and advised that he was requesting a continuance in the hearing of Neil Sloan, M.D. After a brief discussion, motion was made by Dr. Easterling, seconded by Dr. Aycock, and carried unanimously to grant the continuance until the March 27, 2008, Board meeting. The Order of Continuance is attached hereto and incorporated by reference.

**HEARING IN THE CASE OF STANLEY C. RUSSELL, M.D., BRANDON, MISSISSIPPI  
MEDICAL LICENSE NUMBER 03623**

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

Mr. Ingram addressed the Board and advised that a Consent Order had been prepared and signed by Dr. Russell. Mr. Ingram advised the Board that the Executive Committee had approved the Consent Order subject to approval by the Full Board.

After a brief discussion, motion was made by Dr. Aycock, seconded by Dr. Mayo, and carried unanimously to consider going into Executive Session. With a motion by Dr. D. Crawford, seconded by Dr. Harper, the Board went into Executive Session.

Upon a motion by Dr. Easterling, seconded by Dr. Mayo, and carried unanimously, the Board came out of Executive Session at which time Dr. Merideth asked Dr. Mayo to report on the Board's decision. Dr. Mayo announced the Board's decision to reject the proposed Consent Order and requested that Mr. Ingram advise Dr. Russell's attorney of the Board's request that Dr. Russell surrender his license immediately.

Mr. Ingram requested that the Board recess to allow him time to contact Dr. Russell's attorney.

**THE BOARD RECESSED AT 10:30 A.M. AND RETURNED AT 10:40 A.M.**

Mr. Ingram addressed the Board and advised that he had contacted Dr. Russell's attorney and they were requesting an evidentiary hearing. Mr. Ingram advised the Board that the hearing should be scheduled within the next 15 days and that it would probably take at least 2 days. Mr. Ingram advised that the attorney for Dr. Russell,

**BOARD MINUTES**  
**January 24, 2008**  
**Page 5**

Dennis Horn, advised that the only dates open for him would be January 31 and February 1. After a brief discussion about possible dates, Mr. Ingram presented the Board with several options.

After a brief discussion, motion was made by Dr. Easterling, seconded by Dr. V. Crawford, and carried unanimously to consider going back into Executive Session. With a motion by Dr. D. Crawford, seconded by Dr. Mayo, the Board went into Executive Session.

Upon a motion by Dr. Gibson, seconded by Dr. Mayo, and carried unanimously, the Board came out of Executive Session at which time Dr. Merideth asked Dr. Mayo to report on the Board's decision. Dr. Mayo announced the Board's decision to accept an amended Consent Agreement making it a temporary action pending a hearing to be set within 90 days to determine if any additional action needs to be taken. A copy of the Agreed Consent Order of Temporary Action is attached hereto and incorporated by reference.

After a brief discussion, the Board set the date of the hearing and the next Board meeting for March 27, 2008. In the event the hearing requires more than one day, the Board members were advised to clear their schedules for March 27, 28 and 29.

**FINAL ADOPTION OF AMENDED REGULATIONS CONCERNING LICENSURE REQUIREMENTS FOR THE PRACTICE OF MEDICAL DOCTORS, OSTEOPATHIC PHYSICIANS, AND PODIATRISTS**

Motion was made by Dr. Aycock, seconded by Dr. Gibson, and carried unanimously to final adopt the amended regulations. A copy of the amended regulations are attached hereto and incorporated by reference. The regulations will be filed with the Secretary of State under the Administrative Procedures Act.

**FINAL ADOPTION OF AMENDED REGULATION CONCERNING CME REQUIREMENTS**

Motion was made by Dr. D. Crawford, seconded by Dr. Mayo, and carried unanimously to final adopt the amended regulation. A copy of the amended regulation is attached hereto and incorporated by reference. The regulation will be filed with the Secretary of State under the Administrative Procedures Act.

**BOARD MINUTES**

**January 24, 2008**

**Page 6**

**FINAL ADOPTION OF AMENDED REGULATION CONCERNING PHYSICIAN  
ADVERTISING**

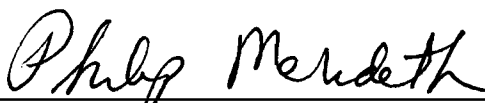
Motion was made by Dr. Gibson, seconded by Dr. D. Crawford, and carried unanimously to final adopt the amended regulation. A copy of the amended regulation is attached hereto and incorporated by reference. The regulation will be filed with the Secretary of State under the Administrative Procedures Act.

**OTHER BUSINESS**

Dr. Craig advised that the Board had received a letter from Magnolia Regional Health Center announcing the opening of an internal medicine residency program in July 2008. After a brief discussion, the Board advised their support of the program and advised that residents in the program will be eligible for Limited Institutional Licenses.

**ADJOURNMENT**

The meeting adjourned at 11:45 A.M., with the next meeting scheduled for Thursday, March 27, 2008.



---

**PHILIP T. MERIDETH, M.D., J.D.**  
**President**

Minutes taken and transcribed  
by Sherry Harris  
Staff Officer  
January 24, 2008



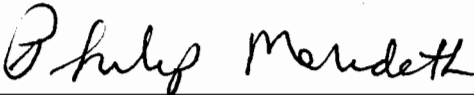
**EXECUTIVE SESSION  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
JANUARY 24, 2008**

**AGENDA ITEM: XI. Hearing in the case of Stanley Clay Russell, M.D.**

Motion made by Dr. Aycock, seconded by Dr.V. Crawford, and carried unanimously to reject proposed Consent Order and request our attorney to request Dr. Russell surrender his license immediately.

<u>VOTE:</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Larry B. Aycock, M.D.	X			
A. Wallace Conerly, M.D.	X			
Dewitt G. Crawford, M.D.	X			
Virginia M. Crawford, M.D.	X			
S. Randall Easterling, M.D.	X			
Don A. Gibson, M.D.	X			
William B. Harper, D.O.	X			
William S. Mayo, D.O.	X			
Philip T. Merideth, M.D., J.D.	X			

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

  
Philip T. Merideth, M.D., J.D.  
President

**EXECUTIVE SESSION  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
JANUARY 24, 2008**

**AGENDA ITEM: XI. Hearing in the case of Stanley Clay Russell, M.D.**

Motion made by Dr. Easterling, seconded by Dr. D. Crawford, and carried unanimously to move to amend Consent Agreement to add provision that a hearing be set within 90 days to determine if any additional action needs to be taken.

<u>VOTE:</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Larry B. Aycock, M.D.	X			
A. Wallace Conerly, M.D.	X			
Dewitt G. Crawford, M.D.	X			
Virginia M. Crawford, M.D.	X			
S. Randall Easterling, M.D.	X			
Don A. Gibson, M.D.	X			
William B. Harper, D.O.	X			
William S. Mayo, D.O.	X			
Philip T. Merideth, M.D., J.D.	X			

With a motion by Dr. Aycock, seconded by Dr. Gibson, the Board came out of Executive Session.



\_\_\_\_\_  
Philip T. Merideth, M.D., J.D.  
President

**RECEIVED**  
JAN 24 2008

**NOTICE OF PROPOSED RULE ADOPTION**

**COPY FILED**  
JAN 24 2008

STATE OF MISSISSIPPI  
Mississippi State Board of Medical Licensure

**BUSINESS SERVICES  
SECRETARY OF STATE**

**MISSISSIPPI  
SECRETARY OF STATE**

Mississippi State Board of Medical  
Licensure  
c/o Rhonda Freeman  
1867 Crane Ridge Drive, Suite 200-B  
Jackson, MS 39216

Specific Legal Authority authorizing the promulgation of  
Rule: { Insert citation to state or federal statute, or  
rule Section 73-43-11 }

Reference to Rules repealed, amended or suspended by the  
Proposed Rule : { Insert citation to specific rule(s) repealed,  
amended or suspended Chapter 16, Section 100, Laser Devices }

(601) 987-3079  
rhonda@msbml.state.ms.us

Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule: { Insert here }  
Lanquarqe is beina added to allow the use of lasers by dentists in the practice of dentistrv.

This rule is proposed as a  Final Rule, and/or a  Temporary Rule (Check one or both boxers as applicable.)

Persons may present their views on the proposed rule by addressing written comments to the agency at the above address. Persons making comments should include their name and address, as well as other contact information, and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

Oral Proceeding: Check one box below:

An oral proceeding is scheduled on this rule on Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Place: \_\_\_\_\_

If you wish to be heard and present evidence at the oral proceeding you must make a written request to the agency at the above address at least \_\_\_\_\_ day(s) prior to the proceeding to be placed on the agenda. The request should include your name, address, telephone number as well as other contact information; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

An oral proceeding is not scheduled on this rule. Where an oral proceeding is not scheduled, an oral proceeding will be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address and telephone number of the person(s) making the request; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

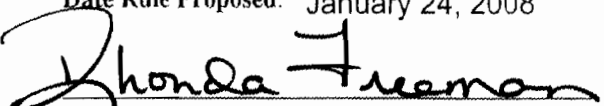
Economic Impact Statement: Check one box below:

The agency has determined that an economic impact statement is not required for this rule, or  
 The concise summary of the economic impact statement required is attached.

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Date Rule Proposed: January 24, 2008

Proposed Effective Date of Rule: 30 days from final filing.

  
Signature and Title of Person Submitting Rule for Filing  
Rhonda Freeman, Bureau Director

TELEPHONE: (601) 987-3079



FAX: (601) 987-4159

## MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

TO: Mississippi Secretary of State  
From: Mississippi State Board of Medical Licensure  
Date: January 24, 2008  
Subject: Notice of Proposed Rule Adoption

Mississippi Code §73-43-11 gives the Mississippi State Board of Medical Licensure the authority to promulgate and publish reasonable rules and regulations necessary to enable it to discharge its functions and to enforce the provisions of law regulating the practice of medicine and the conduct of physicians.

This is an amendment to Board regulation, "Laser Devices", Chapter 16, Section 100. It amends the current regulation to allow the use of lasers by dentists in the practice of dentistry.

Any comments concerning the proposed regulation may be sent to the following address:

Mississippi State Board of Medical Licensure  
1867 Crane Ridge Drive, Suite 200-B  
Jackson, MS 39216

## Chapter 16 Laser Devices

- 100 The use of laser, pulsed light or similar devices, either for invasive or cosmetic procedures, is considered to be the practice of medicine in the state of Mississippi and therefore such use shall be limited to physicians and those directly supervised by physicians, such that a physician is on the premises and would be directly involved in the treatment if required. These rules and regulations shall not apply to any person licensed to practice dentistry if the laser, pulsed light, or similar device is used exclusively for the practice of dentistry.

**Adopted March 18, 1999. Amended May 19, 2005. Amended January 18, 2007.  
Amended March 8, 2007. Amended May 17, 2007.**

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

**OF**

**NEIL BURTON SLOAN, M.D.**

**ORDER OF CONTINUANCE**

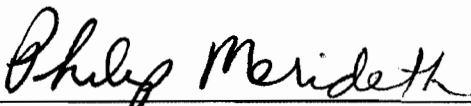
**THIS MATTER** came on regularly for hearing on January 24, 2008, before the Mississippi State Board of Medical Licensure, in response to a request for continuance of the hearing set for this date made by Stan T. Ingram, Complaint Counsel for the Board and by Neil Burton Sloan , M.D. (hereinafter "Licensee"), through his attorney, John Sneed. After consideration of the matter, the Board finds the motion to be well taken.

**IT IS, THEREFORE, ORDERED**, that this matter is continued until 9:00 am, March 27, 2008.

**SO ORDERED**, this the 24<sup>th</sup> day of January, 2008.

**MISSISSIPPI STATE BOARD OF  
MEDICAL LICENSURE**

BY:

  
\_\_\_\_\_  
**PHILIP T. MERIDETH, M.D., J.D.,  
PRESIDENT**

**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**  
**IN THE MATTER OF PHYSICIAN'S LICENSE OF**  
**STANLEY CLAY RUSSELL, M.D.**

**AGREED CONSENT ORDER OF TEMPORARY ACTION**

**WHEREAS**, Licensee is current holder of License No. 03623 for the practice of medicine in the State of Mississippi;

**WHEREAS**, the Investigative Staff of the Mississippi State Board of Medical Licensure has conducted a comprehensive investigation into the medical practice of STANLEY CLAY RUSSELL, M.D., Jackson, Mississippi, and has documented evidence indicating that Dr. Russell, hereinafter referred to as "Licensee," is in violation of the Rules and Regulations of the Board "Pertaining to Prescribing, Administering and Dispensing of Medication" by administering, dispensing or prescribing narcotic drugs, or any other drug having addiction-forming or addiction-sustaining liability, otherwise than in the course of legitimate professional practice; failure to appropriately maintain patient records and documentation; and unprofessional conduct, including dishonorable or unethical conduct likely to deceive, defraud, or harm the public, all in violation of Mississippi Code Annotated Sections 73-25-29(3),(8)(d), and (13) and Section 73-25-83(a);

**WHEREAS**, such conduct, if established before the Board, constitutes violation of the Mississippi Medical Practice Act and specifically, Subsections (3), (8)(d) and (13) of Section 73-25-29, and Section 73-25-83(a) Mississippi Code (1972) as amended, for which the Mississippi State Board of Medical Licensure may revoke the medical license of

*fen*

Licensee, suspend it for a time deemed proper by the Board, or take any other action the Board may deem proper under the circumstances;

**WHEREAS**, Licensee agrees and consents to the Board's temporary disciplinary action and hereby waives his statutory right, as provided for by Miss. Code Ann. § 73-25-89, to have a hearing held on said temporary action before the Mississippi State Board of Medical Licensure within fifteen (15) days of said action and lieu thereof, Licensee has consented to the immediate and indefinite suspension of his license and stay of said suspension subject to the terms, conditions, and restrictions as specified below which shall run from this date until the date of hearing which shall not be greater than ninety (90) days from today;

**NOW THEREFORE**, the Mississippi State Board of Medical Licensure, with consent of Licensee as signified by his joinder herein, does hereby suspend Licensee's certificate (No. 03623) to practice medicine in the State of Mississippi indefinitely, with the suspension stayed subject to the following terms and conditions, to-wit:

1. Licensee shall no longer engage in the private practice of medicine. Notwithstanding, Licensee shall be permitted to continue his treatment of presently existing private practice patients for a transition period of thirty (30) days from the date of Board approval of this Consent Order, so as to permit Licensee adequate time to transfer patient care to other providers. During this transition period Licensee shall not under any circumstances administer, prescribe or dispense controlled substances to his private patients.

2. Until a hearing is held or Licensee is authorized by order of the Board, Licensee's practice in the State of Mississippi shall be limited solely to that of Region 8





Mental Health Services. Licensee shall practice in a supervised structured environment, which practice shall be limited to treatment of Region 8 Mental Health Services clients only. With prior written approval from the Board's executive director, Licensee shall designate a Region 8 psychiatrist (supervising physician), who will oversee, review and evaluate Licensee's care of patients, documentation and prescribing practice. The supervising physician shall be board certified or board eligible in psychiatry and regularly practice with Licensee at Region 8 Mental Health Services. While the supervising physician does not have to be physically present at all times when Licensee is treating patients, he/she shall be at Region 8 on a routine basis sufficient enough to generally monitor Licensee's practice, including but not limited to, periodic review of patient charts and being accessible to Licensee for professional consultation and supervision as needed. The supervising physician shall provide the Board with quarterly statements summarizing the results of Licensee's supervision and shall immediately notify the Board of any practice or patient care concerns noted during his/her review/oversee of Licensee's practice.

3. In addition to Licensee's CME requirements, Licensee shall obtain and report to the Board CME activities in the following specifically designated areas, in addition to any other CME requirement Licensee may also have, within the first year of execution of this Consent Order:

- a. Medical ethics and issues regarding prescribing of medications and documentation;
- b. Appropriate documentation, charting and record keeping; and
- c. Medical ethics regarding patient treatment.

*den*


Licensee's submitted CME reports shall include appropriate certificates of attendance, proof of successful completion, course description, and dates of attendance.

4. Licensee acknowledges and agrees that Licensee will not act as supervisor for any nurse practitioners. Further, Licensee understands and agrees that the restrictions on Licensee's medical license, prevents Licensee from serving as collaborative or supervising physician for a nurse practitioner.

5. Licensee's controlled substance privileges (prescribing, administering, and dispensing) shall be limited to Schedule V only. Licensee shall execute such forms or documents so as to surrender his U.S. Drug Enforcement Administration (DEA) Uniform Controlled Substances Registration Certificate pertaining to Schedules II, IIN, III, IIIN, and IV. Licensee may not reapply or attempt to re-register for controlled substance privileges in Schedules II, IIN, III, IIIN, and/or IV without obtaining prior approval from the Mississippi State Board of Medical Licensure to do so.

6. Licensee shall comply with all Federal and State laws governing the practice of medicine and shall comply with the rules and regulations of the Board "Pertaining to Prescribing, Administering and Dispensing of Medication," including, but not limited to:

- (a) Licensee shall maintain a complete record of his examination, evaluation and treatment of patients, including documentation of the diagnosis and reason for prescribing, dispensing or administering any controlled substances (i.e., Schedule V) or other mood altering substance for which Licensee is authorized to prescribe; the name, dose, strength, quantity of the medication, and the date the medication was prescribed, dispensed or administered.



(b) Whenever issuing a prescription for a controlled substance or other mood altering substance, Licensee shall, in addition to that set forth in subparagraph (a) above, enter into the patient record the following information:

- i Vital signs, whenever possible.
- ii Status of treatment plan and prognosis.
- iii If the patient is requesting additional medication too early, i.e., has consumed previously prescribed medications (including refills) contrary to Licensee's specific directions, the purpose and reason for the patient's additional request and/or unauthorized dose escalation.
- iv Licensee's observation of the patient.

(c) Licensee shall not prescribe, administer, or dispense any controlled substance or other mood altering substance for which Licensee is authorized to prescribe, without a good faith prior examination and medical indication thereof.

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

8. Licensee shall notify the Board within ten (10) days of any change in employment.

*JCR*

9. Licensee shall reimburse the Board for all costs incurred in relation to the pending matter not to exceed Ten Thousand Dollars (\$10,000.00), pursuant to Miss. Code Ann. Section 73-25-30.

This Agreed Consent Order of Temporary Action shall be subject to approval by the Board. If the Board fails to approve this Agreed Consent Order of Temporary Action, 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 Temporary Disciplinary Action Without Hearing. In this regard, Licensee agrees and consents to the temporary disciplinary action and waives his statutory right to a hearing to be held within fifteen (15) days on said action. Licensee authorizes the Board to review and examine any documentary evidence or material concerning the Licensee prior to, or in conjunction with its consideration of this Agreed Consent Order of Temporary Action and the hearing which is to be held not greater than ninety (90) days from today. Should this Agreed Consent Order of Temporary Action not be accepted by the Board, it is agreed that presentation to and consideration of the Consent Order and other documents and matters pertaining thereto by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation or consideration of the resolution of the proceeding. Further, it is agreed that acceptance by the Board of the Agreed Consent Order of Temporary Action shall not unfairly or illegally prejudice the Board or any of its members from further participation or consideration of the resolution of the proceeding when the matter is finally heard by the Board.


Licensee understands and expressly acknowledges that this Agreed Consent Order of Temporary Action, 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 National Practitioner Data Bank and the U.S. Drug Enforcement Administration, and the Board makes no representation as to actions, if any, which the U.S. Drug Enforcement Administration may take in response to this Order.

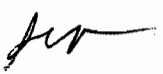
Recognizing his right to notice of charges specified against him, to have a hearing held within fifteen (15) days of the Board's temporary disciplinary action against him, to have such charges adjudicated pursuant to Miss. Code (1972) Annotated, Sections 73-25-27 and 73-25-83, to be represented therein by legal counsel of his choice, and to a final decision based upon written findings of fact and conclusions of law, STANLEY CLAY RUSSELL, M.D., nonetheless hereby waives his right to notice and a formal adjudication of charges and authorizes the Board to enter this Agreed Consent Order of Temporary Action, thereby suspending his license to practice medicine in the State of Mississippi, subject to the terms and conditions enumerated above.

EXECUTED, this the 25<sup>th</sup> day of January, 2008.

  
STANLEY CLAY RUSSELL, M.D.

ACCEPTED AND APPROVED this the 24<sup>th</sup> day of January, 2008, by the  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE.

  
PHILIP T. MERIDETH, M.D., J.D.,  
PRESIDENT



**RECEIVED**  
JAN 24 2008

**BUSINESS SERVICES  
SECRETARY OF STATE**

**FILED**  
JAN 24 2008

**NOTICE OF RULE ADOPTION—FINAL RULE**

**STATE OF MISSISSIPPI**

Mississippi State Board of Medical Licensure

**COPY**

Mississippi State Board of Medical Licensure  
c/o Rhonda Freeman  
1867 Crane Ridge Drive, Suite 200-B  
Jackson, MS 39216

(601) 987-3079  
rhonda@msbml.state.ms.us

**MISSISSIPPI  
SECRETARY OF STATE**

**Specific Legal Authority Authorizing the promulgation of Rule:** {Insert citation to state or federal statute, or rule Section 73-43-11}

**Reference to Rules repealed, amended or suspended by the Proposed Rule :** {Insert citation to specific rule(s) repealed, amended or suspended Chapter 02, Section 100, Licensure Requirements for the Practice of Medical Doctors and Osteopathic Physicians}

**Date Rule Proposed:**

**Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule:**

This amendment to the current regulation clarifies that a medical college must be accredited at the time of a physician's graduation.

**The Agency Rule Making Record for this rule including any written comments received during the comment period and the record of any oral proceeding is available for public inspection by contacting the Agency at the above address.**

An oral proceeding was held on this rule:

Date:  
Time:  
Place:

An oral proceeding was not held on this rule.

**The Agency has considered the written comments and the presentations made in any oral proceedings, and**

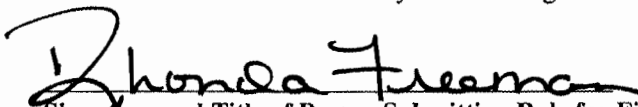
This rule as adopted is without variance from the proposed rule.

This rule as adopted differs from the proposed rule as there are minor editorial changes which affect the form rather than the substance of the rule.

The rule as adopted differs from the proposed rule. The differences however are:  
Within the scope of the matters in the Notice of Proposed Rule Adoption, the logical outgrowth of the contents of the Notice of Proposed Rule Adoption and the comments submitted in response thereto, and  
The Notice of Proposed Rule Adoption provided fair warning that the outcome of the proposed rule adoption could be the rule in question.

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Effective Date of Rule: 30 days from filing date

  
Signature and Title of Person Submitting Rule for Filing

Rhonda Freeman  
Bureau Director

TELEPHONE: (601) 987-3079



FAX: (601) 987-4159

## MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

TO: Mississippi Secretary of State  
From: Mississippi State Board of Medical Licensure  
Date: January 24, 2008  
Subject: Notice of Proposed Rule Adoption - Final Rule

Mississippi Code §73-43-11 gives the Mississippi State Board of Medical Licensure the power to promulgate and publish reasonable rules and regulations necessary to enable it to discharge its functions and to enforce the provisions of law regulating the practice of medicine.

This rule as adopted does not differ from the proposed rule.

This regulation clarifies that a medical college must be accredited at the time a physician graduates from medical school.

## Chapter 02 Licensure Requirements for the Practice of Medical Doctors and Osteopathic Physicians

### Licensure by Examination

- 100 To qualify for admission by examination, an individual shall meet the following requirements, provided that the Board may admit any individual to the examination while reserving its right to deny licensure if that individual fails to meet all requirements for licensure subsequent to success or completion of the examination:
1. Applicant must satisfy the Board that he or she is at least twenty-one (21) years of age and of good moral character.
  2. Present a diploma from a reputable medical college or college of osteopathic medicine, subject to the following conditions:
    - a. If the degree is from a medical college or a college of osteopathic medicine in the United States or Puerto Rico, the medical college must be accredited at the time of graduation by the Liaison Committee on Medical Education (LCME), a Joint Committee of the Association of American Medical Colleges (AAMC) and the American Medical Association (AMA), or if a college of osteopathic medicine, must be accredited by the Professional Education Committee of the American Osteopathic Association (AOA).
    - b. If the degree is from a Canadian medical school, the school must be accredited at the time of graduation by the Liaison Committee on Medical Education (LCME) and by the Committee on Accreditation for Canadian Medical Schools, as sponsored by the Canadian Medical Association and Association of Canadian Medical Colleges.
    - c. If the degree is from a foreign medical school, applicant must either (i) possess a valid certificate from the ECFMG or (ii) document successful completion of a Fifth Pathway program, as described in Section 101.
    - d. Any diploma or other document required to be submitted to the Board by an applicant which is not in the English language must be accompanied by a certified translation thereof into English.
  3. Applicants for licensure by examination must present documentation of having completed at least one (1) year of postgraduate training in the United States accredited by the Accreditation Council for Graduate Medical Education (ACGME) or by the AOA; or training in Canada accredited by the Royal College of Physicians and Surgeons.
  4. Present certified copy of birth certificate or valid passport.
  5. Subject to the provisions of Section 300.1 and 300.2, an applicant must successfully complete and pass all parts/steps of the FLEX or USMLE.
  6. Complete an application for medical license and submit it to the Board in the manner prescribed by the Board with a recent passport type photograph.
  7. Submit fee prescribed by the Board; however, any fees related to permanent licensure may be deferred for applicants indicating a desire to practice medicine under a Temporary License or Limited License within the confines of an ACGME



or AOA approved postgraduate training program pursuant to Chapter 04 of these regulations.

8. Appear for a personal interview in the office of the Mississippi State Board of Medical Licensure and successfully pass the Jurisprudence Examination as administered by the Board.
- 101 A Fifth Pathway Program, as a prerequisite for licensure by examination pursuant to Section 100.2.d, will be considered on an individual basis. Students who have completed the academic curriculum in a foreign medical school and who have fulfilled the conditions set forth, may be offered the opportunity to substitute for an internship required by the foreign medical school, an academic year of supervised clinical training prior to entrance into the first year of ACGME or AOA approved postgraduate medical education. The supervised clinical training (Fifth Pathway) must be under the direction of a medical school accredited by the LCME. Fifth Pathway will be available to students who have fulfilled the following conditions:
1. Completed, in an accredited American college or university, undergraduate pre-medical work of the quality acceptable for matriculation in an accredited U.S. medical school.
  2. Studied medicine at a medical school located outside the United States, Puerto Rico and Canada but which is recognized by the World Health Organization.
  3. Completed all of the formal requirements of the foreign medical school except internship and/or social service.
- 102 Prior to issuance of a permanent Mississippi medical license, a graduate of a foreign medical school who has successfully completed all other requirements of application for licensure by examination must present documentation of having completed at least three (3) years of ACGME-approved postgraduate training in the United States or training in Canada approved by the Royal College of Physicians and Surgeons.

#### Licensure by Reciprocity or Endorsement

- 200 The Board endorses, for the purpose of reciprocity, licenses to practice medicine obtained in most states by written examination prior to March 8, 1973. Subject to the provisions of Section 300 below, all applicants for medical licensure by reciprocity who took the FLEX between March 8, 1973, and January 24, 1985, must have passed the FLEX taken in one three-day sitting with a weighted average of 75 or higher in order to obtain licensure in Mississippi. The Board will not accept scores of more than one administration of the FLEX which have been combined (factored) to provide a FLEX weighted average of 75 or higher. From and after January 24, 1985, an applicant for medical licensure by reciprocity must have passed both Components I and II of the FLEX with a score of 75 to be considered the passing grade for each component. From and after June 1994, the Board shall endorse, for the purpose of reciprocity, licenses to practice medicine from applicants who have successfully taken Steps 1, 2 and 3 of the USMLE.
- 201 Those doctors of osteopathic medicine who graduated prior to June 1, 1973, and who

make application for licensure by reciprocity with another state will be considered only if they took and passed the same written licensure examination given in that state at that time to graduates of medical schools. A statement to this effect will be obtained by this Board from that licensing board.

- 202 The Board may affiliate with and recognize for the purpose of waiving examination and may grant licenses to Diplomates of the NBME; on or after February 13, 1973, to Diplomates of the NBOME and licentiates of the Medical Council of Canada. If a Diplomate of the NBME or NBOME, the applicant must have a Certification of Endorsement from that Board submitted directly to the Board. If seeking endorsement with the Medical Council of Canada, the applicant must have a Certificate of Standing submitted directly to the Board.
- 203 The applicant must have the state board where the original license was obtained by examination submit a certified copy of the examination to the Board.
- 204 The Board may grant a license by reciprocity to a graduate of a foreign medical school who was licensed in another state by written examination prior to March 8, 1973, if he or she is certified by a board recognized by the American Board of Medical Specialties. A statement verifying that the applicant is currently certified must be submitted directly to the Board by the American Board of Medical Specialties Board. The applicant must comply with all other licensure requirements for foreign medical graduates.
- 205 In addition to the above requirements for licensure by reciprocity and/or endorsement, an individual shall meet the following requirements:
1. Applicant must be twenty-one (21) years of age and of good moral character.
  2. Present a diploma from a reputable medical college or college of osteopathic medicine, subject to the following conditions:
    - a. If the degree is from a medical college or a college of osteopathic medicine in the United States or Puerto Rico, the medical college must be accredited at the time of graduation by the Liaison Committee on Medical Education (LCME), a Joint Committee of the Association of American Medical Colleges (AAMC) and the American Medical Association (AMA) or the College of Osteopathic Medicine must be accredited by the American Osteopathic Association (AOA).
    - b. If the degree is from a Canadian medical school, the school must be accredited at the time of graduation by the Liaison Committee on Medical Education (LCME) and by the Committee on Accreditation for Canadian Medical Schools, as sponsored by the Canadian Medical Association and Association of Canadian Medical Colleges.
    - c. If the degree is from a foreign medical school, applicant must either (i) possess a valid certificate from the ECFMG or (ii) document successful completion of a Fifth Pathway program, as described in Section 101, and be currently board certified by a specialty board recognized by the American Board of Medical Specialties or the American Osteopathic Association.

- d. Any diploma or other document required to be submitted to the Board by an applicant which is not in the English language must be accompanied by a certified translation thereof into English.
3. If a graduate from a medical college or college of osteopathic medicine in the United States, Canada or Puerto Rico, applicant must present documentation of having completed at least one (1) year of postgraduate training in the United States accredited by the Accreditation Council for Graduate Medical Education (ACGME) or by the AOA; or training in Canada accredited by the Royal College of Physicians and Surgeons.
4. If a graduate from a foreign medical school, applicant must present documentation of having completed either:
  - a. three (3) or more years of ACGME-approved postgraduate training in the United States or training in Canada approved by the Royal College of Physicians and Surgeons; or
  - b. at least one (1) year of ACGME-approved postgraduate training in the United States or training in Canada approved by the Royal College of Physicians and Surgeons, be currently board certified by a specialty board recognized by the American Board of Medical Specialties or the American Osteopathic Association and must have approval by the Mississippi State Board of Medical Licensure.
5. An applicant who otherwise possesses all of the qualifications for licensure by reciprocity/endorsement, but has not taken a medical proficiency examination or licensure examination within ten (10) years prior to filing his or her application, must pass the Special Purpose Examination (SPEX)\* as administered by and under auspices of the Board, unless the applicant:
  - a. Submits satisfactory proof of current certification by an American Board of Medical Specialties or American Osteopathic Association approved specialty board; or
  - b. Submits proof that the applicant's sole purpose for seeking licensure is to serve as the Dean, Chairman of the Department or Faculty of the University of Mississippi School of Medicine. In such case, a license shall remain in effect so long as Licensee is a member of the faculty of the University School of Medicine.
6. Present certified copy of birth certificate or valid passport.
7. Complete an application for medical license and submit it to the Board in a manner prescribed by the Board with a recent passport type photograph.
8. Submit fee prescribed by the Board.
9. Appear for a personal interview in the office of the Mississippi State Board of Medical Licensure and successfully pass the Jurisprudence Examination as administered by the Board.

---

\* SPEX (SPECIAL PURPOSE EXAMINATION) is a cognitive examination assisting licensing jurisdictions in their assessment of current competence requisite for general, undifferentiated medical practice by physicians who hold or have held a valid license in a U.S. jurisdiction. SPEX is made available through the Federation of State Medical Boards of the United States, Incorporated.

206 Graduates of foreign medical schools seeking licensure by reciprocity or endorsement via Fifth Pathway Programs will be considered on an individual basis subject to those requirements set forth in Section 101.

**Amended January 24, 2008.**

**FILED**  
JAN 24 2008

**NOTICE OF RULE ADOPTION—FINAL RULE**

**COPY**

**STATE OF MISSISSIPPI**

Mississippi State Board of Medical Licensure

**MISSISSIPPI  
SECRETARY OF STATE**

Mississippi State Board of Medical Licensure  
c/o Rhonda Freeman  
1867 Crane Ridge Drive, Suite 200-B  
Jackson, MS 39216

(601) 987-3079  
rhonda@msbml.state.ms.us

**Specific Legal Authority Authorizing the promulgation of Rule:** { Insert citation to state or federal statute, or rule }  
Section 73-43-11

**Reference to Rules repealed, amended or suspended by the Proposed Rule :** { Insert citation to specific rule(s) repealed, amended or suspended }  
Chapter 03, Section 100, Licensure Regulations  
Governing the Practice of Podiatrists

**Date Rule Proposed:**

**Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule:**

~~This amendment to the current regulation clarifies that a podiatric medical school must be accredited at the time of a podiatrist's graduation.~~  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**The Agency Rule Making Record for this rule including any written comments received during the comment period and the record of any oral proceeding is available for public inspection by contacting the Agency at the above address.**

An oral proceeding was held on this rule:

Date:  
Time:  
Place:

An oral proceeding was not held on this rule.

**The Agency has considered the written comments and the presentations made in any oral proceedings, and**

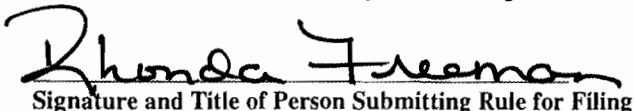
This rule as adopted is without variance from the proposed rule.

This rule as adopted differs from the proposed rule as there are minor editorial changes which affect the form rather than the substance of the rule.

The rule as adopted differs from the proposed rule. The differences however are:  
Within the scope of the matters in the Notice of Proposed Rule Adoption, the logical outgrowth of the contents of the Notice of Proposed Rule Adoption and the comments submitted in response thereto, and  
The Notice of Proposed Rule Adoption provided fair warning that the outcome of the proposed rule adoption could be the rule in question.

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

**Effective Date of Rule:** 30 days from filing date

  
Signature and Title of Person Submitting Rule for Filing

Rhonda Freeman  
Bureau Director

TELEPHONE: (601) 987-3079



FAX: (601) 987-4159

## MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

TO: Mississippi Secretary of State  
From: Mississippi State Board of Medical Licensure  
Date: January 24, 2008  
Subject: Notice of Proposed Rule Adoption - Final Rule

Mississippi Code §73-43-11 gives the Mississippi State Board of Medical Licensure the power to promulgate and publish reasonable rules and regulations necessary to enable it to discharge its functions and to enforce the provisions of law regulating the practice of medicine.

This rule as adopted does not differ from the proposed rule.

This regulation clarifies that a podiatric school must be accredited at the time a podiatrist graduates from podiatry school.

## Chapter 03 Licensure Regulations Governing the Practice of Podiatrists

### Licensure by Examination

- 100 To qualify for admission by examination, an individual shall meet the following requirements, provided that the Board may admit any individual to the examination while reserving its right to deny licensure if that individual fails to meet all requirements for licensure subsequent to success or completion of the examination:
1. Applicant must satisfy the Board that he or she is at least twenty-one (21) years of age and of good moral character.
  2. Applicant must have had at least four (4) years of high school and be graduate of same; he or she shall have at least one (1) year pre-podiatry college education.
  3. Present a diploma from a college of podiatric medicine recognized by the Board as being in good standing, subject to the following conditions:
    - a. Any diploma or other document required to be submitted to the Board by an applicant which is not in the English language must be accompanied by a certified translation thereof into English.
    - b. No college of podiatry or chiropody shall be accredited by the Board as a college of good standing which does not require for graduation a course of study of at least four (4) years (eight and one-half [8½] months each) and be recognized by the Council on Education of the American Podiatry Association at the time of graduation.
  4. Present certified copy of birth certificate or valid passport.
  5. Successfully take an examination for podiatrists. The applicant shall be examined in the following subjects: anatomy, histology, physiology, chemistry, pharmacy, materia medica, therapeutics, bacteriology, pathology, surgery, dermatology, neurology, physical therapy, diagnosis and roentgenology, orthopedics, chiropody and chiropodial surgery, limited in their scope to the treatment of the human foot and leg, and if found qualified shall receive a license. The minimum of requirements for license shall be a general average of seventy-five percent (75%) of all the subjects involved, provided that a grade of not less than sixty percent (60%) be made on any one (1) subject or branch given in the examination held. However, applicants are encouraged to take the examinations given by the National Board of Podiatry Examiners.
  6. Complete an application for podiatry license and submit it to the Board in the manner prescribed by the Board with a recent passport type photograph.
  7. Submit fee prescribed by the Board.
  8. Appear for a personal interview in the office of the Mississippi State Board of Medical Licensure and successfully pass the Jurisprudence Examination as administered by the Board.

### Licensure by Reciprocity or Endorsement

- 200 If the original license of an applicant was obtained by state board examination, the applicant must have the state board where original license was obtained by written examination submit a certified copy of the examination directly to the Board.

- 201 The Board may affiliate with and recognize for the purpose of waiving examination and may grant licenses to Diplomates of the National Board of Podiatric Examiners. If a Diplomate of the National Board of Podiatric Examiners, the applicant must have certification of endorsement from that Board submitted directly to the Board.
- 202 In addition to the above requirements for licensure by reciprocity and/or endorsement, an individual shall meet the following requirements:
1. Applicant must be twenty-one (21) years of age, and of good moral character.
  2. Applicant must have had at least four (4) years high school and be graduate of same; he or she shall have at least one (1) year pre-podiatry college education.
  3. Present a diploma from a college of podiatric medicine recognized by the Board as being in good standing, subject to the following conditions.
    - a. Any diploma or other document required to be submitted to the Board by an applicant which is not in the English language must be accompanied by a certified translation thereof into English.
    - b. No college of podiatry or chiropody shall be accredited by the Board as a college of good standing which does not require for graduation a course of study of at least four (4) years (eight and one-half [8½] months each) and be recognized by the Council on Education of the American Podiatry Association at the time of graduation.
  4. Present proof of completion of one (1) year of APMA-approved postgraduate training in the U.S. or Canada.
  5. Present certified copy of birth certificate or valid passport.
  6. Complete an application for podiatry license and submit it to the Board in the manner prescribed by the Board with a recent passport type photograph.
  7. Submit fee prescribed by the Board.
  8. Appear for a personal interview in the office of the Mississippi State Board of Medical Licensure and successfully pass the Jurisprudence Examination as administered by the Board.

**Amended January 24, 2008.**



NOTICE OF RULE ADOPTION—FINAL RULE

**COPY**

**FILED**  
JAN 24 2008

STATE OF MISSISSIPPI  
Mississippi State Board of Medical Licensure

**MISSISSIPPI  
SECRETARY OF STATE**

Mississippi State Board of Medical Licensure  
c/o Rhonda Freeman  
1867 Crane Ridge Drive, Suite 200-B  
Jackson, MS 39216

(601) 987-3079  
rhonda@msbml.state.ms.us

Specific Legal Authority Authorizing the promulgation of  
**Rule:** { Insert citation to state or federal statute, or  
rule Section 73-43-11 }

**Reference to Rules repealed, amended or suspended by the  
Proposed Rule :** { Insert citation to specific rule(s) repealed,  
amended or suspended Chapter 07, Section 300, CME Requirements }

**Date Rule Proposed:**

**Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule:**

This amendment to the current regulation clarifies that initial board certification must be by a specialty board recognized by the American Board of Medical Specialties or the American Osteopathic Association.

The Agency Rule Making Record for this rule including any written comments received during the comment period and the record of any oral proceeding is available for public inspection by contacting the Agency at the above address.

An oral proceeding was held on this rule:

Date:  
Time:  
Place:

An oral proceeding was not held on this rule.

**The Agency has considered the written comments and the presentations made in any oral proceedings, and**

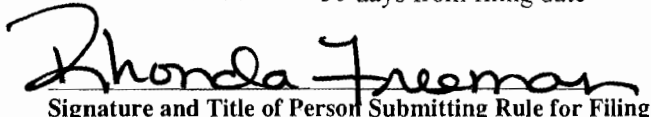
This rule as adopted is without variance from the proposed rule.

This rule as adopted differs from the proposed rule as there are minor editorial changes which affect the form rather than the substance of the rule.

The rule as adopted differs from the proposed rule. The differences however are:  
Within the scope of the matters in the Notice of Proposed Rule Adoption, the logical outgrowth of the contents of the Notice of Proposed Rule Adoption and the comments submitted in response thereto, and  
The Notice of Proposed Rule Adoption provided fair warning that the outcome of the proposed rule adoption could be the rule in question.

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Effective Date of Rule: 30 days from filing date

  
Signature and Title of Person Submitting Rule for Filing

Rhonda Freeman  
Bureau Director

TELEPHONE: (601) 987-3079



FAX: (601) 987-4159

## MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

TO: Mississippi Secretary of State

From: Mississippi State Board of Medical Licensure

Date: January 24, 2008

Subject: Notice of Proposed Rule Adoption - Final Rule

Mississippi Code §73-43-11 gives the Mississippi State Board of Medical Licensure the power to promulgate and publish reasonable rules and regulations necessary to enable it to discharge its functions and to enforce the provisions of law regulating the practice of medicine.

This rule as adopted differs from the proposed rule as there are minor editorial changes which affect the form rather than the substance of the rule.

This amendment to the current regulation clarifies that initial board certification must be by a specialty board recognized by the American Board of Medical Specialties or the American Osteopathic Association.

## Chapter 07 CME Requirements

### Basic Requirement

- 100 Every Mississippi licensee must earn or receive not less than forty (40) hours of Category 1 continuing medical education in a two-year cycle as a condition precedent to renewing his or her license for the next fiscal year. Excess hours may not be carried over to another two-year cycle. *For the purpose of this regulation, the two-year period begins July 1, 2000, and every two years thereafter.*
1. Category 1 continuing medical education shall mean those programs of continuing medical education designated as Category 1 which are sponsored or conducted by those organizations approved by the Mississippi State Medical Association, American Medical Association or by the Accreditation Council for Continuing Medical Education (ACCME) to sponsor or conduct Category 1 continuing medical education programs.
  2. Programs of continuing medical education designated as Category 1-A which are sponsored or conducted by organizations or entities accredited by the American Osteopathic Association to sponsor or conduct Category 1-A continuing medical education for osteopathic physicians.
  3. Programs of continuing medical education designated as a "prescribed hour" which are sponsored or conducted by organizations or entities accredited by the American Academy of Family Physicians to sponsor or conduct "prescribed hours" of continuing medical education.
  4. Programs of continuing medical education designated as "cognates" which are sponsored or conducted by organizations or entities which are accredited by the American College of Obstetrics and Gynecology to sponsor or conduct approved cognates on obstetrical and gynecological related subjects.
  5. Programs of continuing medical education designated as Category 1-A which are sponsored or conducted by organizations or entities accredited by the Council on Podiatric Medical Education to sponsor or conduct Category 1-A continuing medical education for podiatrists.

### Persons Affected

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

### Exemption for Initial Licenses

- 300 Physicians, ~~osteopaths or podiatrists~~ receiving their initial license to practice medicine in Mississippi after June 30, or receiving their initial board certification by a specialty board recognized by the American Board of Medical Specialties or the American Osteopathic Association after June 30, are exempt from the minimum continuing medical education requirement for the two-year period following their receiving a license or board certification. The forty (40) hour continuing education certification will be due within

the next two-year cycle.

July 1, 2000 through June 30, 2002 (1<sup>st</sup> cycle)  
July 1, 2002 through June 30, 2004 (2<sup>nd</sup> cycle)  
July 1, 2004 through June 30, 2006 (3<sup>rd</sup> cycle)  
July 1, 2006 through June 30, 2008 (4<sup>th</sup> cycle)

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

#### Effective Date

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

#### Record Keeping Requirement

- 500 Every licensee shall maintain records of attendance or certificates of completion demonstrating compliance with the minimum continuing medical education requirement. Documentation adequate to demonstrate compliance with the minimum continuing medical education requirements of this regulation shall consist of certificates of attendance, completion certificates, proof of registration, or similar documentation issued by the organization or entity sponsoring or conducting the continuing medical education program. These records must be maintained by the physician for a period of three (3) years following the year in which the continuing medical education credits were earned and are subject to examination by representatives of the State Board of Medical Licensure upon request. If a physician is on a hospital medical staff, it is recommended these certificates and hours be recorded with the primary hospital medical staff records.
- 501 With his or her annual renewal application, every licensee must certify the completion of the minimum continuing medical education requirement established under these regulations. Failure to maintain records documenting that a physician has met the minimum continuing medical education requirement, and/or failure to provide such records upon request to the Mississippi State Board of Medical Licensure, is hereby declared to be unprofessional conduct and may constitute grounds, within the discretion of the Mississippi State Board of Medical Licensure, for the suspension of the physician's license to practice medicine.

#### Annual Renewal

- 600 As a condition for annual renewal of license, beginning with the fiscal year July 1, 2002, through June 30, 2003, every physician, osteopath or podiatrist will be required to biennially certify on his or her annual renewal form that he or she has earned the required 40 hours of approved Category 1 continuing medical education requirement. The Board

will randomly select physicians to ensure complete compliance with this requirement. If deficiencies are identified, licensee must complete deficiencies within six (6) months of date of notification. Failure to comply may result in the suspension of licensee's license.

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

#### Waiver

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

#### Compliance Review

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

#### Effective Date of Regulation

- 900 The above rules and regulations pertaining to continuing medical education shall become effective February 16, 2000.

**Amended May 17, 2007. Amended January 24, 2008.**

NOTICE OF RULE ADOPTION—FINAL RULE

**COPY**

**FILED**  
JAN 24 2008

STATE OF MISSISSIPPI

Mississippi State Board of Medical Licensure

MISSISSIPPI  
SECRETARY OF STATE

Mississippi State Board of Medical Licensure  
c/o Rhonda Freeman  
1867 Crane Ridge Drive, Suite 200-B  
Jackson, MS 39216

(601) 987-3079  
rhonda@msbml.state.ms.us

Specific Legal Authority Authorizing the promulgation of  
Rule: {Insert citation to state or federal statute, or  
rule Section 73-43-11

Reference to Rules repealed, amended or suspended by the  
Proposed Rule : {Insert citation to specific rule(s) repealed,  
amended or suspended Chapter 24, Section 304, Physician Advertising

**Date Rule Proposed:**

**Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule:**

This amendment to the current regulation clarifies that board certification must be by a specialty  
board recognized by the American Board of Medical Specialties or the American Osteopathic Association.

The Agency Rule Making Record for this rule including any written comments received during the comment period and the record of any oral proceeding is available for public inspection by contacting the Agency at the above address.

An oral proceeding was held on this rule:

Date:  
Time:  
Place:

An oral proceeding was not held on this rule.

The Agency has considered the written comments and the presentations made in any oral proceedings, and

This rule as adopted is without variance from the proposed rule.

This rule as adopted differs from the proposed rule as there are minor editorial changes which affect the form rather than the substance of the rule.

The rule as adopted differs from the proposed rule. The differences however are:  
Within the scope of the matters in the Notice of Proposed Rule Adoption, the logical outgrowth of the contents of the Notice of Proposed Rule Adoption and the comments submitted in response thereto, and  
The Notice of Proposed Rule Adoption provided fair warning that the outcome of the proposed rule adoption could be the rule in question.

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Effective Date of Rule: 30 days from filing date

Signature and Title of Person Submitting Rule for Filing

Rhonda Freeman  
Bureau Director

TELEPHONE: (601) 987-3079



FAX: (601) 987-4159

## MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

TO: Mississippi Secretary of State

From: Mississippi State Board of Medical Licensure

Date: January 24, 2008

Subject: Notice of Proposed Rule Adoption - Final Rule

Mississippi Code §73-43-11 gives the Mississippi State Board of Medical Licensure the power to promulgate and publish reasonable rules and regulations necessary to enable it to discharge its functions and to enforce the provisions of law regulating the practice of medicine.

This rule as adopted differs from the proposed rule as there are minor editorial changes which affect the form rather than the substance of the rule.

This amendment to the current regulation clarifies that board certification must be by a specialty board recognized by the American Board of Medical Specialties or the American Osteopathic Association.

## Chapter 24 Physician Advertising

### Scope

- 100 The following rule on physician advertising applies to all individuals licensed to practice medicine, osteopathic medicine or podiatric medicine in the state of Mississippi.

### Definitions

- 200 For the purpose of Chapter 24 only, the following terms have the meanings indicated:
1. "Board" means the Mississippi State Board of Medical Licensure.
  2. "Physician" means any individual licensed to practice medicine, osteopathic medicine or podiatric medicine in the state of Mississippi.
  3. "Advertisement" or "Advertising" means any form of public communication, such as newspaper, magazine, telephone directory, medical directory, radio, television, direct mail, billboard, sign, computer, business card, billing statement, letterhead or any other means by which physicians may communicate with the public or patients.

### Requirements

- 300 Subject to the requirements set forth herein below, any advertisement by a physician may include:
1. The educational background or specialty of the physician.
  2. The basis on which fees are determined, including charges for specific services.
  3. Available credit or other methods of payment.
  4. Any other non-deceptive information.
- 301 A physician may publicize himself or herself as a physician through any form of advertisement, provided the communication, (i) shall not be misleading because of the omission of necessary information, (ii) shall not contain any false or misleading statement, or (iii) shall not otherwise operate to deceive.
- 302 Because the public can sometimes be deceived by the use of medical terms or illustrations that are difficult to understand, physicians should design the advertisement to communicate the information contained therein to the public in a readily comprehensible manner.
- 303 It is unethical to advertise in such a manner as to create unjustified medical expectations by the public. The key issue is whether advertising or publicity, regardless of format or content, is true and not materially misleading.
- 304 In addition to the above general requirements, any advertisement or other form of public communication shall comply with the following specific requirements:
1. All advertisements and written communications pursuant to these rules shall include the name of at least one (1) physician responsible for its content.



2. Whenever a physician is identified in an advertisement or other written communication, the physician should not be identified solely as "Doctor" or "Dr." but shall be identified as M.D. for medical doctors, D.O. for osteopathic physicians and D.P.M. for podiatric physicians.
3. A physician who advertises a specific fee for a particular service or procedure shall honor the advertised fee for at least ninety (90) days unless the advertisement specifies a longer period; provided that for advertisements in the yellow pages of a telephone directory or other media not published more frequently than annually, the advertised fee shall be honored for no less than one (1) year following publication.
4. A physician shall not make statements which are merely self-laudatory or statements describing or characterizing the quality of the physician's services.
5. No physician shall advertise or otherwise hold himself or herself out to the public as being "Board Certified" without, (i) a complete disclosure in the advertisement of the specialty board by which the physician was certified, and (ii) can submit proof of current certification by a specialty board recognized by the American Board of Medical Specialties or the American Osteopathic Association. The term "Board Certified" frequently appears in conjunction with a list of services that the physician or clinic provides. The general public could easily be misled into thinking that the physician is certified in all of those services.
6. No physician shall hold himself or herself out as a specialist in a particular field unless that physician has either, (i) completed a "board approved" residency program, which provides specific training in the specialized field and can submit proof that such training was completed, or (ii) can submit proof that while not completing a residency, was "grandfathered" into a specialty by successful completion of board examinations followed by board certification by the American Board of Medical Specialties or the American Osteopathic Association. A "board approved" residency program shall be limited to residency programs recognized by the American Medical Association for medical doctors (M.D.), by the American Osteopathic Association for osteopathic physicians (D.O.), and by the American Podiatric Medical Association for doctors of podiatric medicine (D.P.M.).
7. No physician shall compare his or her service with other physicians' services, unless the comparison can be factually substantiated; this precludes the use of terms such as "the best," "one of the best," or "one of the most experienced" or the like.
8. Where an advertisement includes a consumer-endorser's experience (i.e., patient testimonials), the advertisement must contain an appropriately worded, clear and prominent disclosure of (a) what the generally expected performance would be in the depicted circumstances, and (b) the limited applicability of the endorser's experience. Although testimonials and endorsements are authorized under this rule, compliance will be strictly monitored as endorsements and testimonials are inherently misleading to the lay public and to those untrained in medicine.
9. Any claims of success, efficacy or result (i.e., cure) must have scientific evidence in substantiation of such claims.
10. Any claims that purport to represent "typical" results (results that consumers will

generally achieve) must be based on a study of a sample of all patients who entered the program, or, if the claim refers to a subset of those patients, a sample of that subset.

11. Any claim made regarding the safety of a medical procedure or drug must also disclose the risk of adverse medical complications.
  12. No physician shall claim to have any new drug or medication or new use of a drug or medication for a specific ailment or condition unless such drug or medication has an F.D.A. approved indication for such purpose.
  13. Any claim that improvements can be achieved through surgery in a specified time period must also include disclosure of the typical recovery time.
- 305 Consistent with federal regulatory standards which apply to commercial advertising, a physician who is considering the placement of an advertisement or publicity release, whether in print, radio or television, should determine in advance that the communication or message is explicitly and implicitly truthful and not misleading. These standards require the advertiser to have a reasonable basis for claims before they are used in advertising. The reasonable basis must be established by those facts known to the advertiser, and those which a reasonable, prudent advertiser should have discovered.
- 306 The above rules do not prohibit physicians or clinics from authorizing the use of the physician's name or clinic name in medical directories, HMO directories, preferred provider agreements or other communications intended primarily for referral purposes.

#### Violation of Rules

- 400 The above rules on physician advertising shall not be interpreted to alter or amend that which is otherwise provided by Mississippi statutory law or the rules on advertising adopted by the Federal Trade Commission.
- 401 If any physician subject to this rule advertises or enters into any communication in violation of the above rules and regulations, such act shall constitute unprofessional conduct, which includes dishonorable or unethical conduct likely to deceive, defraud or harm the public, in violation of Mississippi Code, Sections 73-25-29(8)(d) and 73-27-13(h)(iv).

#### Effective Date of Regulations

- 500 The above rules and regulations pertaining to physician advertising shall become effective November 2, 1995. Amended January 24, 2008.

MARCH 2008

AMERY

**MINUTES  
EXECUTIVE COMMITTEE MEETING  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
MARCH 26, 2008**

**MEMBERS PRESENT:**

Philip T. Merideth, M.D., J.D., Jackson, President  
Don A. Gibson, M.D., Richland, Vice President  
William S. Mayo, D.O., Oxford, Secretary

**ALSO PRESENT:**

H. Vann Craig, M.D., Director  
Stan T. Ingram, Complaint Counsel for the Board  
Rhonda Freeman, Bureau Director, Licensure Division  
Thomas Washington, Bureau Director, Investigative Division  
Frances Scott, Special Projects Officer, Investigative Division  
Sherry Harris, Staff Officer

**NOT PRESENT:**

Ellen O'Neal, Assistant Attorney General

The Executive Committee of the Mississippi State Board of Medical Licensure met on Wednesday, March 26, 2008, at 2:00 p.m. in the Executive Conference Room of the Office of the Board located at 1867 Crane Ridge Drive, Jackson, Mississippi.

Dr. Craig advised that the Board had received a letter from Ernesto Cortes, M.D., Assistant Medical Director of the Jimmy and Rosalynn Carter Work Project First Aid Team, requesting approval to perform care consistent with first aid to volunteers working on their project on the Gulf Coast during the week long event scheduled for May 11 - 16, 2008.

After a brief discussion, motion was made by Dr. Mayo, seconded by Dr. Gibson, and carried unanimously to advise Dr. Cortes that the Board does not have any problem with individuals rendering first aid, however, anything further is considered the practice of medicine and that individual must have an active Mississippi medical license.

**EXECUTIVE COMMITTEE MINUTES**

**March 26, 2008**

**Page 2**

**PERSONAL APPEARANCE BY AUGUSTUS P. SORIANO, M.D., PHILADELPHIA, MISSISSIPPI MEDICAL LICENSE NUMBER 06089**

Dr. Soriano joined the meeting and was represented by legal counsel, Stanley Stater and Jim Arnold. Dr. Soriano had executed a written agreement for this informal meeting, a copy of which is attached hereto and incorporated by reference.

Dr. Craig advised that Dr. Soriano had been invited to appear before the Executive Committee after receiving a letter from the Neshoba County General Hospital advising the hospital had revoked Dr. Soriano's admitting privileges and that the information was submitted to the National Practitioner Data Bank.

After a brief discussion, motion was made by Dr. Gibson, seconded by Dr. Mayo, and carried unanimously that the Executive Committee feels that Dr. Soriano's actions do not constitute a violation of the Mississippi Medical Practice Act and do not require discipline by the Board. However, the Executive Committee did request that Dr. Soriano receive additional education in the management of cardiac emergencies and that documentation of this continuing medical education (CME) be sent directly to the attention of Dr. Craig.

**ROBERT D. MAYFIELD, M.D., BATESVILLE, MISSISSIPPI MEDICAL LICENSE NUMBER 17827, SURRENDER OF MEDICAL LICENSE**

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

Dr. Craig discussed the voluntary surrender of medical license received from Dr. Mayfield. After a brief discussion, motion was made by Dr. Mayo, seconded by Dr. Gibson, and carried unanimously to accept Dr. Mayfield's Surrender of Medical License. A copy of the Surrender of Medical License is attached hereto and incorporated by reference.

**WILLIAM E. TIEMANN, M.D., NEW ORLEANS, LA, MISSISSIPPI MEDICAL LICENSE NUMBER 19127, LETTER FROM PALMETTO ADDICTION RECOVERY CENTER**

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

Dr. Craig advised that Dr. Tiemann had signed a Consent Order with the Board in January 2008, and was already petitioning for release of the Consent Order. After a brief discussion, motion was made by Dr. Mayo, seconded by Dr. Gibson, and carried unanimously to advise Dr. Tiemann that since his current Consent Order was only executed on January 23, 2008, and since the Board has not received any updates from the Louisiana Professionals Health Program concerning his progress, that the request

## **EXECUTIVE COMMITTEE MINUTES**

**March 26, 2008**

**Page 3**

be denied. Also, the Executive Committee agreed that Dr. Tiemann should not renew his request for at least an additional six (6) months.

### **PERSONAL APPEARANCE BY LARRY LEE MONTGOMERY, M.D., MCCOMB, MISSISSIPPI MEDICAL LICENSE NUMBER 16277**

Dr. Montgomery joined the meeting but was not represented by legal counsel. Dr. Montgomery was joined by his PA-C, Daniel Hering. Dr. Montgomery executed a written agreement for this informal meeting, a copy of which is attached hereto and incorporated by reference.

Dr. Craig advised that Dr. Montgomery had been invited to appear before the Executive Committee due to the fact that he lives in Baton Rouge, LA, and his current physician assistant lives in McComb, which violates the Board's community definition of 30 minutes / 30 miles.

Dr. Montgomery addressed the Executive Committee and advised that he does live in Baton Rouge and that he calls his physician assistant when he is within 30 minutes of the McComb area and only then is he allowed to see patients. If Dr. Montgomery is not going to McComb and the backup physician, Dr. Jennifer Gholson, is out of the area, then Mr. Hering is not allowed to see any patients.

After a brief discussion, the Executive Committee unanimously agreed that as long as Dr. Montgomery and Mr. Hering strictly abide by the community definition of 30 minutes / 30 miles that they may continue their relationship. The majority of their work involves nursing homes and the nursing homes should be advised to contact Dr. Montgomery concerning all problems and not Mr. Hering. Also, Mr. Hering should advise Dr. Gholson of any problem patients when she is serving as his backup physician.

The Executive Committee also agreed that Dr. Montgomery should show the nursing home where the majority of his time is spent as his primary address instead of the Post Office Box currently in our system.

### **CLOSING OF A PHYSICIAN'S OFFICE AND ENDING THE PHYSICIAN - PATIENT RELATIONSHIP**

Dr. Craig advised that currently the Board does not have a policy or a regulation that covers a physician's office closing or the ending of the physician - patient relationship. Dr. Craig distributed copies of proposed language for both issues.

## **EXECUTIVE COMMITTEE MINUTES**

**March 26, 2008**

**Page 4**

Mrs. Freeman recommended that the language on the closing of a physician's office contain a statement to notify the Board of their intent for the handling of patient records. Once this information is received, the Board can update the Physician Tracking System which will enable staff to better assist inquiries.

After a brief discussion, the Executive Committee unanimously agreed to refer the proposals to the Rules, Regulation and Legislative Committee for further review and handling.

### **UPDATE ON 2008 LEGISLATION**

Dr. Craig discussed the following House Bills:

1) House Bill 495 - request to increase the cap on license renewals to \$400.00. Dr. Craig said that currently the bill passed in the House but the Senate had reduced the cap to \$225.00 as well as changing the effective date to July 2008. Dr. Craig advised that he is still working with several Legislators to get the cap back to \$400.00 with an effective date upon passage.

2) House Bill 496 - request authority to issue subpoenas during investigations and provide for rules and appeals. Dr. Craig advised that this bill had died in the House, but would be brought up again next year and introduced in the Senate.

3) House Bill 1575 - the agency's appropriation bill. Dr. Craig advised that the House had made several changes to our total employees, travel expenditure and a couple other areas, but said that he was assured that the Board would receive the amounts originally requested and he is currently working on this issue.

### **OTHER BUSINESS**

Dr. Craig advised that an application had been received from Bill Hemeter, M.D. Dr. Craig discussed with the Executive Committee several issues concerning the application.

After a brief discussion, motion was made by Dr. Mayo, seconded by Dr. Gibson, and carried unanimously to advise Dr. Hemeter that the Board recommends that he be referred for an evaluation for fitness for duty to include psychological testing. Dr. Merideth advised that he would recommend Dr. John Montgomery, a local psychiatrist, to perform the evaluation. The Executive Committee unanimously agreed with Dr. Merideth's recommendation.

Dr. Craig advised that he would contact Dr. Hemeter's attorney to advise him the Executive Committee's recommendation.

**EXECUTIVE COMMITTEE MINUTES**

**March 26, 2008**

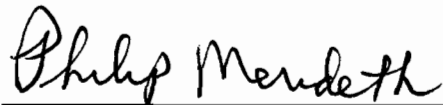
**Page 5**

**REVIEW OF MARCH 27, 2008, BOARD AGENDA**

Dr. Craig briefly reviewed the agenda for tomorrow's Board meeting.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 4:40 p.m.



---

**PHILIP T. MERIDETH, M.D., J.D.**  
**President**

Minutes taken and transcribed

by Sherry Harris

Staff Officer

March 26, 2008



**AGREEMENT TO APPEAR INFORMALLY BEFORE EXECUTIVE COMMITTEE**

I, Augustus Soriano, 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: Jim Arnold Stanley Stater)

without legal counsel present

EXECUTED, this the 26<sup>th</sup> day of MARCH, 2008.

Augustus Soriano

Witness:

Stanley F. Stater

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

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

**OF**

**ROBERT DANNA MAYFIELD, M.D.**

**SURRENDER OF MEDICAL LICENSE**

**WHEREAS**, ROBERT DANNA MAYFIELD, M.D., hereinafter referred to as "Licensee," is the current holder of Medical License Number 17827 issued October 21, 2002, to practice medicine in the State of Mississippi;

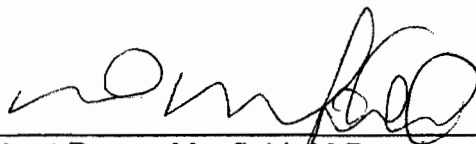
**WHEREAS**, on or about January 24, 2008, Licensee conspired with Johnnie Bowden, a member of the Mississippi Bureau of Investigation, to commit capital murder against Randy Webb while at Lowe's within the city limits of Batesville, Mississippi. Licensee was subsequently arrested, charged with a crime defined by Section 97-1-1 of the Mississippi Code, Conspiracy To Commit Capital Murder.

**WHEREAS**, such conduct, if established in a due process hearing before the Board, would constitute conviction of a felony or misdemeanor involving moral turpitude, and unprofessional, dishonorable or unethical conduct likely to harm the public; all in violation of Miss. Code Ann. §73-25-29(6) and §73-25-29(8)(d), being grounds for which the Mississippi State Board of Medical Licensure may place Licensee's medical license on probation, the terms of which may be set by the Board, suspend his right to practice for a time deemed proper by the Board, revoke said license, or take any other action in relation to said license as the Board may deem proper under the circumstances;

**WHEREAS**, Licensee wishes to avoid an evidentiary hearing before the Board by voluntarily relinquishing his right to practice medicine in the State of Mississippi;

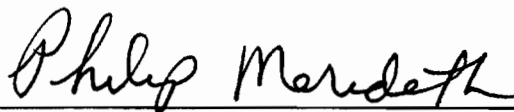
**NOW, THEREFORE**, Licensee hereby voluntarily surrenders his medical license (Number 17827) to practice medicine in the State of Mississippi. Licensee understands that this is an unconditional surrender, is reportable as disciplinary action to the National Practitioner Data Bank, and is a public record of the State of Mississippi. In the event Licensee later decides to practice medicine in the State of Mississippi, it will be necessary for him to submit a new application with the Board. At such time, the Board reserves the right to utilize all evidence, including all facts developed during the current investigation, as part of the consideration of any application.

**EXECUTED** this the 6<sup>th</sup> day of February, 2008



Robert Danna Mayfield, M.D.

**ACCEPTED AND APPROVED** this the 7<sup>th</sup> day of February, 2008, by the Mississippi State Board of Medical Licensure.



Philip T. Merideth, M.D., President  
Mississippi State Board of Medical Licensure

**AGREEMENT TO APPEAR INFORMALLY BEFORE EXECUTIVE COMMITTEE**

I, Larry Lee Montgomery, 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 26th day of March, 2008.

Witness:

Sherry Harris

Larry Lee Montgomery

**BOARD MINUTES**  
**MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**  
**MARCH 27, 2008**

The regularly scheduled meeting of the Mississippi State Board of Medical Licensure was held on Thursday, March 27, 2008, in the Board Room of the Office of the Board located at 1867 Crane Ridge Drive, Jackson, Mississippi.

The following members were present:

Philip T. Merideth, M.D., J.D., Jackson, President  
Don A. Gibson, M.D., Richland, Vice President  
William S. Mayo, D.O., Oxford, Secretary  
Larry B. Aycock, M.D., McComb  
Dewitt G. Crawford, M.D., Louisville  
Virginia M. Crawford, M.D., Hattiesburg  
S. Randall Easterling, M.D., Vicksburg

Also present::

H. Vann Craig, M.D., Director  
Stan T. Ingram, Complaint Counsel for the Board  
Ellen O'Neal, Assistant Attorney General  
Rhonda Freeman, Bureau Director, Licensure Division  
Thomas Washington, Bureau Director, Investigative Division  
Frances Scott, Special Projects Officer, Investigative Division  
Sherry Harris, Staff Officer  
Wesley Breland, Hattiesburg, Consumer Health Committee  
Cecil R. Burnham, Jackson, Consumer Health Committee

Not present:

A. Wallace Conerly, M.D., Jackson  
William B. Harper, D.O., Greenwood  
Martha Thompson, Oxford, Consumer Health Committee

The meeting was called to order at 9:00 a.m. by Dr. Merideth, President. The invocation was given by Dr. Easterling and the pledge was led by Dr. Aycock. Dr. Merideth welcomed Ella Hardwick, Court Reporter, and Freda Bush, M.D., Past President of the Board to the meeting. Dr. Merideth extended a welcome to all visitors present at the meeting.

Dr. Merideth opened the floor for public comments. There were no public comments brought before the Board for discussion.

**BOARD MINUTES**

**March 27, 2008**

**Page 2**

**APPROVAL OF CERTIFICATION OF MISSISSIPPI LICENSES TO OTHER ENTITIES FOR THE PERIOD JANUARY 01, 2008, THROUGH FEBRUARY 29, 2008**

Two hundred ninety-one (291) licenses were certified to other entities for the period January 01, 2008, through February 29, 2008. Motion was made by Dr. Mayo, seconded by Dr. D. Crawford, and carried unanimously to approve these certifications.

**APPROVAL OF LICENSES ISSUED FOR THE PERIOD JANUARY 01, 2008, THROUGH FEBRUARY 29, 2008**

Sixty (60) licenses were issued for the period January 01, 2008, through February 29, 2008. Motion was made by Dr. Easterling, seconded by Dr. Mayo, and carried unanimously to approve these licenses.

**REVIEW OF MINUTES OF THE EXECUTIVE COMMITTEE MEETING DATED JANUARY 23, 2008, AND MINUTES OF THE BOARD MEETING DATED JANUARY 24, 2008**

Minutes of the Executive Committee Meeting dated January 23, 2008, and Minutes of the Board Meeting dated January 24, 2008, were reviewed. Dr. Mayo moved for approval of the minutes as submitted. Dr. Gibson seconded the motion, and it carried unanimously.

**REPORT OF MARCH 26, 2008, EXECUTIVE COMMITTEE MEETING**

Dr. Craig briefly reported on the March 26, 2008, Executive Committee meeting.

Dr. Craig reported on two (2) personal appearances before the Executive Committee and a physician that had voluntarily surrendered his medical license. Information pertaining to physicians discussed is reflected in the Executive Committee Minutes.

Dr. Craig advised that the Executive Committee discussed proposed language dealing with the closing of a physician's office as well as ending the physician - patient relationship. After a brief discussion, the Executive Committee unanimously agreed to refer the proposals to the Rules, Regulation and Legislative Committee for further review and handling.

Dr. Craig presented other informational items which are reflected in the Executive Committee Minutes. Motion was made by Dr. Easterling, seconded by Dr. Aycock, and carried unanimously to ratify the actions of the Executive Committee.

**BOARD MINUTES**

**March 27, 2008**

**Page 3**

**PRESENTATION BY FREDA BUSH, M.D., FEDERATION OF STATE MEDICAL  
BOARDS UPDATE**

Dr. Merideth introduced Dr. Bush, a Past President of the Board, and currently a candidate for Treasurer of the Federation of State Medical Boards (FSMB).

Dr. Bush gave an informative update on the Federations' current "hot issues". Dr. Bush reiterated the purpose of the Federation and briefly explained how much assistance they can provide to state boards, as well as the wealth of information they have stored over the years. Dr. Bush advised that maintenance of licensure is one area where the Federation is assisting state boards in ensuring the public of safeguards throughout the physician's career.

**PRESENTATION BY ARTURO LEIS, M.D., NEUROLOGIST**

Dr. Craig introduced Dr. Leis and advised the Board that he is a Board Certified Neurologist in the Jackson area.

Dr. Leis addressed the Board and expressed his concerns of physical therapists being allowed to use electromyography (EMG). Dr. Leis covered all the courses and training that a physician was required to have to be allowed to sit for EMG Boards versus the training PT's are given. Dr. Leis advised the Board that the use of EMG is clearly the practice of medicine and wanted the Board to know that as a neurologist, he believes allowing PT's to perform EMG's is a mistake.

Dr. Merideth advised that the Physical Therapy Board had been invited to make a presentation but due to the fact that they have not had their Board meeting, requested the presentation be postponed until the May Board meeting.

After a brief question and answer period, Dr. Merideth thanked Dr. Leis for addressing the Board and providing them with valuable information concerning EMG. Mrs. O'Neal, Assistant Attorney General, advised that the Physical Therapy Board advises that the law allows PT's to perform EMG. She further advised that at this time no Attorney General Opinion had been requested.

**BOARD MINUTES**

**March 27, 2008**

**Page 4**

**MISSISSIPPI PROFESSIONALS HEALTH PROGRAM MEMORANDUM OF UNDERSTANDING (MOU)**

Dr. Craig advised that he had been working with members of the Mississippi State Medical Association (MSMA) over the last couple months to update the Memorandum of Understanding (MOU). Dr. Craig advised that the MOU defines the relationship between MSMA and the Board as well as the funding of the Mississippi Professionals Health Program (MPHP).

Charmain Kanosky, Executive Director of MSMA, advised that their Board of Directors approved the MOU at their last meeting and needs approval from MSBML. Motion was made by Dr. Aycock, seconded by Dr. Gibson, and carried unanimously to approve the Memorandum of Understanding as presented. A copy of the signed Memorandum of Understanding is attached hereto and incorporated by reference.

**REPORTS FROM COMMITTEES**

**Consumer Health** - Mr. Breland (Chair), Ms. Thompson, Mr. Burnham

Mr. Breland advised there was no new information to report.

**Education & Workforce** - Dr. Conerly (Chair), Dr. D. Crawford, Dr. Mayo

Dr. D. Crawford advised there was no new information to report.

**Scope of Practice** - Dr. V. Crawford (Chair), Dr. Easterling, Dr. Aycock

Dr. V. Crawford advised there was no new information to report.

**Professional Health Program** - Dr. Gibson (Chair), Dr. Mayo, Dr. Merideth

Dr. Gibson advised there was no new information to report.

**Rules, Regulation & Legislative** - Dr. Easterling (Chair), Dr. D. Crawford,  
Dr. Harper

Dr. Easterling advised there was no new information to report.



**BOARD MINUTES**

**March 27, 2008**

**Page 5**

**Ethics** - Dr. Merideth (Chair), Dr. V. Crawford, Dr. Conerly

Dr. Merideth advised there was no new information to report.

**Electronic Medical Records** - Dr. Aycock (Chair), Dr. V. Crawford,  
Dr. Mayo

Dr. Aycock advised that the Electronic Medical Records Committee was proposing an amendment to clarify the Board's current regulation which allows the electronic transmission of prescriptions.

After a brief discussion, motion was made by Dr. D. Crawford, seconded by Dr. Gibson, and carried unanimously of the Board's intent to adopt the proposed amendment concerning **Regulations Pertaining to Prescribing, Administering and Dispensing of Medication**. A copy of the proposed amendment is attached hereto and incorporated by reference. The proposed amended regulation will be filed with the Secretary of State under the Administrative Procedures Act.

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

**HEARING IN THE CASE OF NEIL B. SLOAN, M.D., CORINTH, MISSISSIPPI  
MEDICAL LICENSE NUMBER 19029**

Dr. Sloan was presented at the meeting and represented by John Sneed, Esq.

Dr. Merideth advised that we were here today for a hearing pursuant to Mississippi Code Section 73-25-27, in the matter of Neil B. Sloan, M.D. Dr. Merideth advised that as the Board's President he would rule on all evidentiary questions, but reserves the right, pursuant to Rule 1102 of the Rules and Regulations, to consult with our legal counsel or to delegate such rulings to her.

Stan Ingram, Complaint Counsel for the Board, addressed the Board and covered the Summons and Affidavit served on Dr. Sloan. Mr. Ingram advised that since Dr. Sloan was here to try and resolve the matter without a hearing, that no evidence other than the Summons and Affidavit would be presented to the Board, but the Board would be allowed to ask questions. If for any reason the Board rejects a settlement in the case, Mr. Ingram advised that the Board reserves the right to hear any and all evidence and Mr. Sneed said he and Dr. Sloan agreed.

## **BOARD MINUTES**

**March 27, 2008**

**Page 6**

Mr. Sneed addressed the Board and advised that Dr. Sloan wanted to resolve the matter without having a hearing and that he and Dr. Sloan were here today to offer a proposal to the Board. Mr. Sneed covered their proposal and then Dr. Sloan answered questions from the Board.

Following closing comments from Mr. Ingram and Mr. Sneed, motion was made by Dr. Aycock, seconded by Dr. Mayo and carried unanimously to consider going into Executive Session. With a motion by Dr. D. Crawford, seconded by Dr. Easterling, the Board went into Executive Session.

Upon a motion by Dr. Gibson, seconded by Dr. Easterling, and carried unanimously, the Board came out of Executive Session at which time Dr. Merideth asked Dr. Mayo to report on the Board's decision. Dr. Mayo announced that the Board unanimously agreed to a Consent Order that would: 1) subject Licensee's patient records/charts to a statistically relevant Board approved audit now and quarterly for 1 year, including pharmacy monitoring, with Licensee responsible for all costs; 2) Board approved oversight and monitoring quarterly for 1 year, with Licensee responsible for the Board's costs; 3) Request 20 hours CME as follows: 10 hours on record keeping, and 10 hours in pain management and use of controlled drugs; 4) no new chronic pain patients and decrease the current pain patients he is currently treating, including the discharge of any non-complaint pain management patients; 5) no Schedule II prescribing for a minimum of 1 year and no Schedule III prescribing for a minimum of 6 months, with each to be revisited by the Executive Committee at his petition of removal; and 6) Licensee shall pay assessment costs up to \$10,000.00. The Board's Order is attached hereto and incorporated by reference.

A verbatim account of this proceeding was recorded by Ella Hardwick, Court Reporter.

### **HEARING IN THE CASE OF STANLEY C. RUSSELL, M.D., BRANDON, MISSISSIPPI MEDICAL LICENSE NUMBER 03623**

Dr. Russell was present at the meeting and represented by Dennis Horn, Esq.

Dr. Merideth advised that we were here today for a hearing pursuant to Mississippi Code Section 73-25-27, in the matter of the medical license of Stanley Clay Russell, M.D., on charges that Dr. Russell violated certain laws and regulations, as more fully set out in the Summons and Affidavit. As the Board's President, Dr. Merideth advised that he would rule on all evidentiary questions, but reserve the right, pursuant to Rule 1102 of our Rules and Regulations, to consult with our legal counsel or to delegate such rulings to her.

## **BOARD MINUTES**

**March 27, 2008**

**Page 7**

Mr. Ingram addressed the Board and introduced Dr. Russell's attorney, Dennis Horn. Mr. Ingram advised that Mr. Horn had requested that in an attempt to settle the matter that he would like to address the Board.

Mr. Horn addressed the Board and advised that Dr. Russell is only working at Region VIII Mental Health and that their request was to allow Dr. Russell to continue practicing medicine under the current Agreed Consent Order.

After a brief question and answer session, motion was made by Dr. V. Crawford, seconded by Dr. Aycock, and carried unanimously to consider going into Executive Session. With a motion by Dr. D. Crawford, seconded by Dr. Mayo, the Board went into Executive Session.

Upon a motion by Dr. Gibson, seconded by Dr. V. Crawford, and carried unanimously the Board came out of Executive Session at which time Dr. Merideth asked Dr. Mayo to report on the Board's decision. Dr. Mayo announced that in a 5 - 2 vote, the Board's agreed to amend the current Consent Order to an Agreed Permanent Consent Order that would place the following terms, conditions and restrictions on his license. 1) Licensee's practice shall be limited to the physical premises of Region VIII Mental Health Center only; 2) Licensee shall collaborate with the Board to set up a face-to-face meeting with Region VIII's supervising psychiatrist, Paul McGinnis, to discuss all facets of this agreement; 3) Licensee's controlled substance privileges (prescribing, administering, and dispensing) shall be revoked; 4) Additional CME hours pertaining to medical ethics and issues regarding prescribing of medications, charting and record keeping to be obtained; 5) Licensee agrees that he will not act as a supervisor for any nurse practitioner; 6) Licensee agrees that the terms of the Agreed Consent Order are permanent; 7) Licensee's practice is subject to periodic surveillance by MSBML; 8) Licensee agrees that any violation of this agreement shall result in the immediate surrender of his license; and, 9) Licensee shall pay all assessment costs up to \$10,000. A copy of the Agreed Permanent Consent Order is attached hereto and incorporated by reference.

A verbatim account of this proceeding was recorded by Ella Hardwick, Court Reporter.

### **FINAL ADOPTION OF AMENDED REGULATION CONCERNING LASER DEVICES**

Motion was made by Dr. Mayo, seconded by Dr. D. Crawford, and carried unanimously to final adopt the amended regulation. A copy of the amended regulation is attached hereto and incorporated by reference. The regulation will be filed with the Secretary of State under the Administrative Procedures Act.

**BOARD MINUTES**  
**March 27, 2008**  
**Page 8**

**ETHICS COMMISSION - STATEMENT OF ECONOMIC INTEREST**

Dr. Craig reminded all the Board members of the May 1, 2008, deadline to file their Statement of Economic Interest with the Ethics Commission.

**ADJOURNMENT**

The meeting adjourned at 11:50 A.M., with the next meeting scheduled for Thursday, May 15, 2008.

  
\_\_\_\_\_  
**PHILIP T. MERIDETH, M.D., J.D.**  
**President**

Minutes taken and transcribed  
by Sherry Harris  
Staff Officer  
March 27, 2008

**EXECUTIVE SESSION  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
MARCH 27, 2008**

**AGENDA ITEM: XIII. Hearing in the case of Neil B. Sloan, M.D.**

Motion made by Dr. D. Crawford, seconded by Dr. V. Crawford, to place Dr. Sloan under a Consent Order placing six (6) probationary terms, conditions and restrictions on his license.

<u>VOTE:</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Larry B. Aycock, M.D.	X			
A. Wallace Conerly, M.D.				X
Dewitt G. Crawford, M.D.	X			
Virginia M. Crawford, M.D.	X			
S. Randall Easterling, M.D.	X			
Don A. Gibson, M.D.	X			
William B. Harper, D.O.				X
William S. Mayo, D.O.	X			
Philip T. Merideth, M.D., J.D.	X			

With a motion by Dr. Gibson, seconded by Dr. Easterling, the Board came out of Executive Session.

  
\_\_\_\_\_  
Philip T. Merideth, M.D., J.D.  
President

**CONSENT ORDER  
NEIL B. SLOAN, M.D.**

The following probationary terms, conditions and restrictions are to be placed on Dr. Sloan's medical license:

1) subject Licensee's patient records/charts to a statistically relevant Board approved audit now and quarterly for 1 year, including pharmacy monitoring, with Licensee responsible for all costs; 2) Board approved oversight and monitoring quarterly for 1 year, with Licensee responsible for the Board's costs; 3) Request 20 hours CME as follows: 10 hours on record keeping, and 10 hours in pain management and use of controlled drugs; 4) no new chronic pain patients and decrease the current pain patients he is currently treating, including the discharge of any non-complaint pain management patients; 5) no Schedule II prescribing for a minimum of 1 year and no Schedule III prescribing for a minimum of 6 months, with each to be revisited by the Executive Committee at his petition of removal; and 6) Licensee shall pay assessment costs up to \$10,000.00.

**EXECUTIVE SESSION  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
MARCH 27, 2008**

**AGENDA ITEM: XII. Hearing in the case of Stanley Clay Russell, M.D.**

Motion made by Dr. D. Crawford, seconded by Dr. V. Crawford, to amend the current Agreed Order of Temporary Action and execute an Agreed Permanent Consent Order placing nine (9) terms, conditions and restrictions on Dr. Russell's license.

<u>VOTE:</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Larry B. Aycock, M.D.		X		
A. Wallace Conerly, M.D.				X
Dewitt G. Crawford, M.D.	X			
Virginia M. Crawford, M.D.	X			
S. Randall Easterling, M.D.	X			
Don A. Gibson, M.D.	X			
William B. Harper, D.O.				X
William S. Mayo, D.O.		X		
Philip T. Merideth, M.D., J.D.	X			

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



Philip T. Merideth, M.D., J.D.  
President

**AGREED PERMANENT CONSENT ORDER  
STANLEY CLAY RUSSELL, M.D.**

The following are the terms, conditions and restrictions to be permanently placed on Dr. Russell's medical license:

1) Licensee's practice shall be limited to the physical premises of Region VIII Mental Health Center only; 2) Licensee shall collaborate with the Board to set up a face-to-face meeting with Region VIII's supervising psychiatrist, Paul McGinnis, to discuss all facets of this agreement; 3) Licensee's controlled substance privileges (prescribing, administering, and dispensing) shall be revoked; 4) Additional CME hours pertaining to medical ethics and issues regarding prescribing of medications, charting and record keeping to be obtained; 5) Licensee agrees that he will not act as a supervisor for any nurse practitioner; 6) Licensee agrees that the terms of the Agreed Consent Order are permanent; 7) Licensee's practice is subject to periodic surveillance by MSBML; 8) Licensee agrees that any violation of this agreement shall result in the immediate surrender of his license; and, 9) Licensee shall pay all assessment costs up to \$10,000.



STATE OF MISSISSIPPI

COUNTY OF HINDS

**MISSISSIPPI PROFESSIONALS HEALTH PROGRAM  
MEMORANDUM OF UNDERSTANDING**

THIS MEMORANDUM OF UNDERSTANDING is made and entered into this 24<sup>th</sup> day of April, 2008, by and between the **Mississippi State Board of Medical Licensure**, hereinafter the "BOARD", an agency of the State of Mississippi, and the **Mississippi State Medical Association**, a non-profit corporation established under the laws of the State of Mississippi, hereinafter the "MSMA", for the purpose of continuing the Mississippi Professionals Health Committee, hereinafter the "MPHC", formerly known as the Mississippi Impaired Physician Committee ("MIPC") and other purposes stated herein. The provisions of this memorandum are expressly acknowledged and agreed to by the MPHP and MPHC, such acknowledgment being evidenced by the Committee's joinder herewith. This agreement is executed by the parties pursuant to authority granted by the Mississippi Medical Practice Act and the Disabled Physicians Law, Miss. Code Ann., Sections 73-25-1, et seq.

**WITNESSETH:**

**WHEREAS**, the BOARD is vested with authority, pursuant to the Mississippi Medical Practice Act, to protect the public and ensure that all individuals licensed to practice medicine in the State of Mississippi can do so with reasonable skill and safety to patients.

Correspondingly, the BOARD, pursuant to authority granted by the Mississippi Disabled Physicians Law, encourages the early identification, intervention, treatment, and rehabilitation of physicians and others licensed by the BOARD to practice in Mississippi, who may be impaired by reason of one or more of the following conditions:

- A. Mental/emotional illness; or
- B. Physical illness, including but not limited to, deterioration through the aging process, loss of motor, cognitive or perceptive skills; or
- C. Excessive use or abuse of drugs, including alcohol, or other substances that impair ability; or
- D. Disruptive behavior; or
- E. Sexual disorders/paraphillias; and

**WHEREAS**, the BOARD is an agency of the State of Mississippi and is charged with the responsibility for licensing physicians, podiatrists, physician assistants, radiologic assistants and other entities which the Legislature in the future may charge the BOARD with regulating, to practice within the scope of their respective license and regulating such practices in the interest of the public health, safety and welfare. In discharging this responsibility, the BOARD is empowered, *inter alia*, to require the examination of a Licensee when the BOARD has reasonable cause to believe that the Licensee's fitness to practice with reasonable skill and safety to patients has been compromised by reason of one or more sources of impairment as outlined above. The BOARD has the ultimate authority to restrict, suspend or revoke the license of a Licensee who is unable to practice with reasonable skill or safety to patients.

**WHEREAS**, the MSMA is a non-profit professional medical association whose members constitute a majority of the physicians licensed to practice medicine in the State of Mississippi. MSMA is committed to the highest ideals of the medical and allied health professions, to the preservation of the integrity and vitality of the profession, and to the maintenance and enhancement of high standards of professional competence and skill among its members, so that medical professionals of this State may provide safe, quality

medical service to their patients. MSMA performs its functions, as appropriate, through its constituent committees, divisions and affiliate organizations. By virtue of its broad, professional membership, MSMA possesses the knowledge, expertise, resources, and personnel to establish, maintain, and carry out an impaired physicians program as authorized by the disabled Physicians Law, Miss. Code Ann., Section 73-25-55.

**WHEREAS**, MPHP is a division of MSMA founded in 1999 and organized as a nonprofit corporation which has applied for and received 501(c)(3) tax-exempt status from the Internal Revenue Service. MPHP is a confidential, non-disciplinary alternative to the disciplinary process for professionals licensed by the BOARD and others who seek out or are otherwise motivated to accept the assistance MPHP offers for substance use disorders, psychiatric, physical and cognitive disorders that can result in licensee impairment. The goal of MPHP is to coordinate effective intervention, evaluation, treatment, and monitoring and thus return the licensed professional to a healthy, safe, and productive medical or other professional practice. MPHC was created for the purpose of operating and administering the MPHP as contemplated and defined in this Memorandum.

**WHEREAS**, the BOARD, MSMA and MPHC, have entered into this Memorandum of Understanding on the date set forth above, re-affirming their existing relationship in order to maintain and carry out a physicians health program as authorized by the Disabled Physicians Law, Miss. Code Ann., Section 73-25-55, and the parties wish to continue their relationship as hereinafter described to ensure the mutual success of the MPHP and to set forth and define their respective rights and responsibilities to each other.

**NOW, THEREFORE**, in consideration of the foregoing recitals, the mutual promises and covenants contained herein, and for good and other valuable consideration the receipt of

which is hereby acknowledged, the parties agree as follows:

**Section 1. Definitions:**

A. "Chemical dependency" or "chemically dependent" means the state of impairment by reason of excessive use and/or abuse of alcohol, controlled substances, other drugs having addiction-forming or addiction-sustaining liability, or any other chemical or other substances.

B. For the purpose of this Memorandum, "Licensee" means any professional licensed or pursuing licensure through the BOARD including physicians, podiatrists, physician assistants, and radiology assistants and residents of these professions and any future professions the legislature may require the BOARD to regulate.

C. "Impaired Licensee" means a Licensee who is unable to practice with reasonable skill and safety due to one or more causes of impairment.

D. "Disruptive Licensee" means a Licensee who has a pattern of being unable or unwilling to function well with others to such an extent that their behavior, by word or action, has the potential to interfere with quality health care. Criticism appropriately offered in good faith with the aim of improving patient care is not disruptive.

E. "Sexual Boundary Violation" or "Professional Sexual Misconduct" means a sexual or romantic relationship with a current patient or a patient surrogate, or sexual or romantic relations with a former patient if it exploits the trust, knowledge, emotions or influence derived from the Licensee-patient relationship. The BOARD and MPHP recognize that the Federation of State Medical Boards defines two levels of professional sexual misconduct; sexual impropriety and sexual boundary violations. Sexual impropriety may comprise behavior, gestures or expressions that are seductive, sexually suggestive, or

sexually demeaning to a patient. A sexual boundary violation may include Licensee-patient sex, whether or not initiated by the patient, and engaging in any conduct with a patient that is sexual or may be reasonably interpreted as sexual by the patient. As defined, Sexual Boundary Violations are always a violation of the public's trust. These violations frequently result from underlying issues of Licensee impairment.

F. "Recovering Licensee" means a person who, having once met the criteria of an impaired Licensee, has had appropriate treatment, has accepted responsibility for their recovery, and has engaged in those behaviors necessary to maintain sobriety and mental health.

G. "Medical Director" means the physician selected and approved by the MSMA Board of Trustees who is retained to coordinate and direct the activities of MPHC and MPHP and who is vested with the duties and responsibilities set forth elsewhere in this Memorandum.

H. "MPHC Chair" means the physician selected by MPHC and approved by the MSMA Board of Trustees who serves as chair of the MPHC and assists the Medical Director with the administrative and operational aspects of the program. This position is voluntary and unsalaried.

**Section 2. Referrals to MPHP/MPHC:** Pursuant to the terms and conditions as hereinafter provided, the BOARD and MSMA understand and agree that effective on the date set forth above, and thereafter as specified, the MPHP shall be operated and administered by MPHC under the direction of the Medical Director. Subject to the duties and responsibilities as hereinafter provided, the BOARD hereby agrees to refer in writing from the Executive Director of the BOARD to MPHC, any Licensee whose ability to practice with reasonable skill and

safety has been or is reasonably suspected of being impaired due to chemical dependency or mental/emotional illness, and other conditions specified, subject, however, to the BOARD'S right to seek disciplinary action as otherwise provided herein.

MPHC will not become involved with a disruptive Licensee or disruptive behavior beyond serving the medical staff or other appropriate parties in an advisory capacity unless and until (i) the medical staff or other applicable authoritative body has exhausted all due process procedures outlined in their bylaws or other governing documents, and (ii) stand ready to suspend privileges or terminate the Licensee. There are cases of disruptive behavior, commonly found in those with severe personality disorders that are self-defeating, self-destructive and resistant to intervention. In this more extreme situation, MPHC may elect to serve an adjunct function rather than a primary function.

MPHC may assist in instances when an underlying impairment such as Sexual Disorder/Paraphilia, mental/emotional illness, or chemical dependency amenable to treatment, rehabilitation and monitoring is involved. Notwithstanding, the BOARD may, in its sole discretion, elect to pursue formal, reportable disciplinary action.

**Section 3. Creation of Mississippi Professionals Health Program:** The MPHP is Mississippi's impaired professionals program and was developed in compliance with the recommendations of the Federation of State Medical Boards' Ad Hoc Committee on Physician Impairment. The MPHP, as the successor of the Mississippi Recovering Physicians Program (MRPP), is hereby designated to assist the BOARD to provide for the identification of impaired Licensees, for timely intervention, for the implementation of appropriate measures to protect the public health and safety, to encourage and assist impaired Licensees in effective rehabilitative efforts, and to ensure the continued availability

of skilled and safe medical professionals for the benefit of the public. It is the purpose and intent of the MPHP to provide a confidential, non-punitive alternative to disciplinary sanctions for impaired Licensees who voluntarily seek or are motivated to accept intervention, evaluation, treatment and aftercare monitoring, counseling, and rehabilitation for their impairment.

**Section 4. The Mississippi Professionals Health Committee:** The MPHP shall operate under the supervision and direction of the MPHC, a committee of physicians licensed to practice medicine in Mississippi who are selected and appointed in the following manner:

A. The MPHC Chair and Medical Director shall name at least five (5) and not more than seven (7) physicians who are deemed qualified because of their knowledge and/or expertise in the area of chemical dependency and/or mental/emotional illness or other impairments, and in the statutes enacting the Disabled Physicians Law, to serve as members of the MPHC. If feasible, one of the physicians shall be a psychiatrist and one of the physicians shall be an addictionologist. At least one and not more than two MPHC members must be non-recovering physicians. Only MPHC members who have been approved by MSMA and the BOARD and are members of MSMA in good standing are eligible to vote. At its discretion, the MSMA Board of Trustees may appoint one member from the Board of Trustees. At the discretion of the Medical Director, psychologists or other professionals with special skills regarding addiction and/or impairing conditions previously defined and whose contribution would facilitate the mission of MPHC may be included as advisors. MPHC Advisors will have voice regarding the matters before MPHC but may not vote.

B. Appointed MPHC members shall be presented to MSMA for confirmation by the MSMA Board of Trustees. The Medical Director shall provide the names of the Advisors to

the committee to MSMA.

- C. MSMA shall submit the MPHC membership to the BOARD for confirmation.
- D. MPHC members shall serve for a period of three (3) years and are eligible for reappointment(s).
- E. MPHC members serve on a voluntary basis and receive no compensation other than reasonable travel expenses as set forth in MPHC policy.

**Section 5. Duties and Responsibilities of the MPHC:** The MPHC, under the direction of the Medical Director, will develop, maintain, and make available to all BOARD Licensees, programs that promote the early identification, intervention, evaluation, treatment and aftercare monitoring of Licensees who may be impaired by reason of chemical dependency or mental/emotional illness, or other conditions specified. MPHC will maintain a program description containing the operational details of the MPHP, including available treatment and rehabilitation resources, draft aftercare contracts, and monitoring procedures. The MPHC will operate a Recovering Professionals Helpline, where information and assistance for impaired Licensees as well as the general medical community can be obtained. MPHC, through its Medical Director, shall have and exercise a broad range of duties, functions and responsibilities, including, but not limited to the following:

- A. Serve in a consultant and advisory capacity to the BOARD and MSMA under the auspices of the Medical Director.
- B. Receive, evaluate, and investigate reports of suspected impairment from any source including, but not limited to, referrals from the BOARD, patients, physicians, hospital administrations, family members, etc.
- C. Intervene in cases of suspected impairment and refer said Licensees for



appropriate evaluation/treatment to a facility jointly approved by the MPHC and the BOARD.

D. Establish a recovery contract with each recovering Licensee which will detail the requirements of their recovery program, but will not place formal restrictions on the participant's license. The MPHC may impose informal restrictions, where such restrictions are deemed necessary for the Licensee's recovery. As used herein "formal restrictions" are those which result from an order of the BOARD, either by consent or following a disciplinary hearing. Such orders are entered in the public minutes of the BOARD and reported to the National Practitioner Data Bank, Federation of State Medical Boards and other entities as required by law.

E. Monitor the treatment and rehabilitation of impaired Licensees which will include receiving regular reports as appropriate from treatment centers regarding evaluation and treatment with appropriate progress reports to the BOARD'S Executive Director.

F. Provide post-treatment monitoring, aftercare, and advocacy for the recovering Licensee, which will include receiving regular reports from treating professionals and/or regional support groups regarding behavioral, emotional and intellectual function, as well as attendance of group meetings, and other subjective and objective measures of recovery.

G. Render quarterly reports to the BOARD on the status of all MPHP participants. Self-referred Licensees will be identified by code number. Licensees referred to the MPHP by the BOARD will be identified by name. Any significant contract violations as hereinafter enumerated in subparagraph H below shall warrant immediate notification by the Medical Director/MPHC to the BOARD to the attention of the BOARD'S Executive Director. Furthermore, the identity of self-referred licensees shall be reported to the Board's Executive Director (i) in cases of disruptive licensees when the Licensee fails to cooperate with the

intervention, evaluation, treatment or subsequent monitoring or as further defined in subsection H below, (ii) in cases of Licensees referred for, or subsequently determined to have engaged in sexual boundary violations or professional sexual misconduct, or (iii) upon request of the BOARD'S Executive Director as to any other Licensee, when the Executive Director has a demonstrated need to know this information in order to conduct his or her official duties.

H. Report to the BOARD in writing to the attention of the Executive Director the name of any Licensee the MHPC has reason to believe may be impaired and (i) who has failed or refused to follow the recommendations of the MPHC for evaluation, treatment and/or rehabilitation, or (ii) who has discontinued such evaluation, treatment and/or rehabilitation against medical advice, or (iii) who has failed to abide by the terms and conditions of an aftercare contract with the MPHC, or (iv) who, in the opinion of MPHC is unable to continue in the practice of the Licensee's professional duties with reasonable skill and safety to patients. Under said conditions, the Licensee forfeits the right to anonymity. The obligation of the Medical Director, and in the absence of the Medical Director, the Chair or any member of MPHC, to report to the BOARD is mandatory. The Medical Director has the discretion to make the initial report through any form of communication (telephone, facsimile, etc.) provided that a written report containing a summary of all evidence, witnesses and reports shall be provided to the BOARD'S Executive Director within twenty-four (24) hours of the initial report. Receipt of that summary shall not prohibit the BOARD from obtaining other documents by request or subpoena.

I. Develop outreach and awareness programs which seek to educate both the general public and the medical community concerning both health maintenance and

conditions that result in Licensee impairment as well as the services available through the MPHP.

J. Work with the BOARD to develop standards for the ongoing assessment of evaluation and treatment facilities utilized by the MPHC.

K. Make recommendations for CME in the areas of Licensee health and impairment issues.

L. Appoint consultants, advisors and assistants as necessary to accomplish the above listed functions.

M. Work with medical staff wellness, or equivalent, committees.

N. Work with the Federation of State Physician Health Programs (FSPHP) to maintain knowledge of developments in the field of professional health.

O. Other functions and responsibilities as may be mutually agreed upon between MSMA, MPHC and the BOARD.

**Section 6. Administrative Duties and Reporting Requirements Between MSMA,**

**MPHC and the BOARD:** In implementing their responsibilities under this Memorandum MSMA, MPHC and the BOARD shall have certain administrative and reporting requirements, including, but not limited to the following:

A. All monies appropriated to MPHP or MPHC by the BOARD shall be disbursed to MPHP or MPHC through MSMA. Any other funds contributed directly to MPHP or MPHC by any and all other contributors shall be promptly deposited to the appropriate MPHP/MPHC accounts. MSMA will perform or oversee all financial and accounting functions for MPHP and MPHC. MPHP is a separately incorporated division of MSMA which shall have separate bank accounts and a separate general ledger. MPHP funds shall not be co-mingled with

MSMA funds and under no circumstances will funds contributed to or received by MPHP or MPHC be appropriated by MSMA for any use other than MPHP and MPHC operations and activities.

B. MPHC, in consultation with MSMA and the BOARD, shall promulgate a policy manual to govern the operation of MPHP and MPHC. This manual shall be reviewed and updated at least every two (2) years.

C. Any compensation arrangement, contract, lease, or other document that seeks to bind MPHP or MPHC shall be approved in advance by MSMA.

D. MSMA shall provide MPHP with administrative support, including, but not limited to, general administrative assistance as necessary, accounting services and legal advice and counsel.

E. MSMA'S auditors shall conduct an annual audit of MPHP and MPHC at MPHP'S expense and a copy of the audit shall be provided to MSMA and the BOARD. MPHP and MPHC agree to implement such internal financial controls as may be deemed appropriate by MSMA or its auditors.

**Section 7. Duties and Responsibilities of the Medical Director:** The Medical Director shall have and exercise a broad range of duties, functions and responsibilities, including but not limited to the following:

A. The Medical Director will oversee the activities of the MPHC in its mission to implement and carry out the MPHP as mandated by MSMA, the BOARD, MPHC and in accordance with the MPHP bylaws.

B. The Medical Director will be thoroughly familiar with the Memorandum of Understanding between MSMA and the BOARD and will ensure that MPHC administers the

MPHP at all times in compliance with this document.

C. The Medical Director will work closely with the BOARD, its Executive Director and staff.

D. The Medical Director will work closely with MSMA, its officers and Board of Trustees, and Executive Director.

E. The Medical Director shall participate in monthly MPHC meetings and attend the annual Caduceus Club retreat.

F. The Medical Director will serve as an ambassador to the medical community and will conduct educational seminars for medical groups, medical alliance groups and others throughout the state regarding the disease of addiction, physician health and impairment topics and the role of the MPHP and MPHC. The Medical Director will be willing to speak about physician health and impairment and its impact on the medical community and discuss the investigation, intervention, evaluation, treatment and monitoring of recovering Licensees.

G. The Medical Director will be expected to work closely with the Federation of State Physician Health Programs as well as state and national chapters of the American Society of Addiction Medicine to stay abreast of useful developments in the field.

H. The Medical Director will take an active role in intervention and monitoring the investigation of impaired Licensees and will participate personally whenever possible.

I. The Medical Director is expected to serve at all times as an active advocate on behalf of recovering Licensees and their families and on behalf of advancing understanding of the disease of addiction.

J. The Medical Director shall be responsible for the hiring, firing, setting of salary

and supervision of MPHP staff, who shall be employees of MSMA. One of these staff members shall be an Executive Director, who shall be responsible for the management and proper functioning of the MPHP office which shall be maintained at MSMA headquarters or in a location or facility approved by MSMA.

K. The Executive Director shall be the custodian of records, books and papers belonging to the MPHP and MPHC and shall keep account of and promptly place in MPHC or MPHP accounts such funds as may be delivered into his or her hands in the name of MPHP or MPHC.

L. The Medical Director shall promulgate a budget for MPHP on an annual basis and submit the proposed budget to MSMA on or before November 1 of each year. MSMA shall forward the proposed budget to the BOARD. After consultation with the BOARD the MSMA Board of Trustees will consider the budget for approval prior to the end of the calendar year.

M. The Medical Director will be responsible for presenting any contract, lease or other legal document that seeks to bind or otherwise obligate MPHP or MPHC to MSMA for approval prior to execution.

**Section 8. Qualifications and Requirements for Medical Director:** The Medical Director must be an MD or DO licensed and residing in the state of Mississippi. The Medical Director must be knowledgeable about the disease of addiction in particular and physician health and impairment issues in general. Personal recovery and/or American Society of Addiction Medicine (ASAM) or American Association of Addiction Psychiatry (AAP) certification shall be considered assets. Other qualifications and requirements shall include, but not be limited

to, the following:

A. The Medical Director shall participate as a member in MSMA, the State and National chapters of the American Society of Addiction Medicine and the American Medical Association.

B. The Medical Director shall be a full time salaried employee of MSMA working under an executed contract of employment. The contract of employment shall be between MSMA and the Medical Director and shall state the salary and benefits accorded to the Medical Director. Such contract shall be prepared in consultation with the BOARD. The Medical Director's performance shall be reviewed annually by MSMA, in consultation with MPHIC and the BOARD.

C. The Medical Director shall be required to obtain at least 75 hours of continuing medical education in Addiction Medicine specifically and/or physician health and impairment generally every three (3) years.

**Section 9. Duties and Responsibilities of the BOARD:** In implementing its duties under the Mississippi Medical Practice Act and Mississippi Disabled Physicians Law and this Memorandum, the BOARD, through its Executive Director, shall have and exercise a broad range of functions and responsibilities, including, not limited to, the following:

A. To receive, evaluate and investigate reports of suspected impairment from any source including, but not limited to, referrals from MPHIC, physicians, hospital administrators, patients and family members. In cases of chemical dependency or other potentially impairing licensee health issues, without any other notable violations of the Mississippi Medical Practice Act, the BOARD shall refer the impaired Licensee to the MPHIC for prompt

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

B. In cases where a Licensee has been referred by the BOARD to MPHP/MPHC, the BOARD reserves the right, in its sole and absolute discretion to require the Licensee to enter into an agreement with the BOARD requiring the Licensee to participate in the MPHP, and may impose other conditions which the BOARD deems necessary to protect the public. Where an agreement based on chemical dependency or other impairing condition is entered into between an impaired Licensee and the BOARD, the agreement, referred to as a Recovery Contract Agreement ("RCA") shall not be deemed disciplinary action, shall not be considered a public record and shall not be reportable to the National Practitioner Data Bank or the Federation of State Medical Boards. An RCA may incorporate provisions for random, unannounced and witnessed urine and/or tissue screens as provided in Section 11 below. It is recognized and acknowledged by the undersigned parties that, with rare exception, a chemically dependent Licensee will have engaged in some form of drug seeking or drug diversion behavior for self use. With this recognition, an RCA for a first-time referral will generally not include a restriction on the Licensee's right to prescribe, administer or dispense controlled substances or other drugs having addiction-forming or addiction-sustaining liability.



However, where an agreement is executed based on chemical dependency and other statutory grounds for disciplinary action as enumerated in Miss. Code Ann., Section 73-25-29 or 73-25-83, such an agreement may be referred to as a "Consent Order" and will be reportable to the National Practitioner Data Bank, Federation of State Medical Boards, and/or other entities which the BOARD routinely advises when taking disciplinary action. The Executive Director has the discretion to refer any Licensee to MPHP for a Recovery Contract. The BOARD shall have the right to incorporate into any contract a provision to assess and collect costs incurred by the BOARD pursuant to Miss. Code Ann., Section 73-25-30.

C. The BOARD'S Executive Director and/or investigative staff shall cooperate fully with the MPHC, its Medical Director and MPHP to implement the MPHP monitoring and aftercare program. To this extent, when information is brought to the attention of the BOARD or its investigative staff of non-compliance with any aftercare contract or other monitoring requirement of the MPHC, this information shall be promptly reported in writing to the Medical Director.

D. The BOARD, through its Executive Director and its investigative staff may implement a urine and/or tissue screen program as a part of the aftercare monitoring programs hereinafter provided in Section 11.

**Section 10. Aftercare Monitoring by MPHC/MPHP:** Recovering Licensees completing any indicated treatment shall be carefully monitored through a contract with the MPHP with the active oversight of the MPHC and its Medical Director. Such contracts will generally be for five (5) years with individual variation based on diagnoses and individual circumstance at the discretion of MPHC. Such monitoring shall include weekly local MPHP facilitated support

group attendance (if applicable), reports from the Caduceus Group Facilitator as appropriate, reports from all assigned Licensee Monitors, periodic personal appearances before the MPHC, Alcoholics Anonymous/Narcotics Anonymous and/or other self-help attendance, as applicable, etc. Regular reports will be provided by any physician, psychiatrist, psychologist or other mental health provider involved in the recovering Licensee's ongoing treatment or monitoring. The MPHP Recovery Contract or (RCA) will be composed of effective language indicated for the support of the Licensee's recovery and the protection of the public. MPHC shall be responsible for applicable urine and/or tissue screening of all MPHP program participants. Any confirmed positive screen obtained by MPHP for unauthorized mood altering substances including alcohol shall prompt an immediate report by name to the Executive Director of the BOARD as described in Section 5 and 12.

**Section 11. Aftercare Monitoring by the BOARD:** The BOARD may assist the MPHC and MPHP by implementing a system of random, unannounced and witnessed urine and/or tissue screens for BOARD known Licensees recovering from addictive illness. Only the BOARD's Executive Director, those members of the investigative staff responsible for urine and/or tissue screens, and the University of Mississippi Medical Center Analytical Toxicology Laboratory, or successor lab, shall be aware of the Licensee's name. Unless otherwise authorized by section 14 below, the Licensee's name and results of any urine and/or tissue screens, shall not be deemed to be public record.

All BOARD obtained urine and/or tissue samples shall be taken utilizing the standard chain of custody forms and procedures. The chain of custody form utilized will identify all Licensees by name. The sample, along with the chain of custody form, will be submitted to

the University of Mississippi Medical Center Analytical Toxicology Laboratory or successor laboratory designated by the BOARD for testing. The results, along with the billing statement, shall be sent to the recovering Licensee. A copy of the results shall be provided to the MPHP Medical Director and Executive Director of the BOARD. Failure to submit or cooperate with the collection of specimens and/or failure to pay the laboratory testing fees in a timely and appropriate manner shall constitute a breach of treatment contract. Such cases shall be referred to the BOARD.

**Section 12. Relapse Management:** Levels of relapse behavior should be recognized by all parties involved. For the purposes of this agreement, the levels of relapse are defined as follows:

- A. Level 1. Behavior that might indicate mental relapse without chemical use.
- B. Level 2. Relapse with chemical use outside the context of active practice.
- C. Level 3. Relapse with chemical use within the context of the Licensee's active practice.

MPHC may elect to manage Level 1 relapse. Level 2 and 3 relapses shall be reported by the Medical Director of the MPHP to the Executive Director of the BOARD. This report will include, or be followed by, circumstances of the relapse, the action taken by the MPHC in response to the relapse, and the MPHC's recommendations to the BOARD regarding the relapse. In each case, the Executive Director of the BOARD will then decide if the relapse needs to be brought before the BOARD. If necessary, the BOARD will then consider the level of relapse, the action taken by the MPHC, and the recommendations of the MPHC. The BOARD shall have the authority to (i) allow MPHC to manage the problem, (ii) warn the

Licensee of impending disciplinary action, or (iii) initiate disciplinary action.

**Section 13. Portability:** All aftercare contracts will have a provision for notification to the BOARD, the appropriate Licensee state health program, and state licensing authority of any other state, should the Licensee under contract decide to move.

**Section 14. Confidentiality:** All information, files or records maintained by MPHP, 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, (i) it is essential to disclose such information to further the intervention, treatment, counseling or rehabilitation needs of the individual Licensee concerned, and then only to those persons or organizations who need to know, or (ii) unless its release is authorized in writing by the Licensee, or (iii) unless the MPHC is required to render a report to the BOARD. Any request directed to the MPHC 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 MPHC. In those cases where the BOARD is a party to an RCA, any request or subpoena of records involving that particular Licensee 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 or subpoena of records involving that particular Licensee shall be directed to the attorney for MSMA for disposition. Regardless of the attorney involved, subpoena for MPHP Participant Records shall be resisted to the fullest extent of the law. Unless otherwise required by law, any confidential participant information and other non-public information acquired, created, or used in good faith by the MPHP, the BOARD or MSMA pursuant to this section shall remain confidential and shall not be subject to discovery or subpoena in a civil case.

**Section 15. Funding:** To the extent authorized by law and contingent upon available funds, funding for the MPHC and the MPHP shall be provided in part by the BOARD. A surcharge will be added to the annual licensure fee for health providers licensed by the BOARD to practice in Mississippi which shall be used to fund the MPHC and MPHP. Other funds shall be provided by MSMA and by participant fees. The MPHC shall explore all avenues to develop further funding to support its activities. MPHC funds provided hereunder shall only be utilized to supports its activities for health providers licensed by the BOARD and the MPHC shall provide a copy of its annual independent audit to both the BOARD and MSMA. It is understood that MPHC activities and services for health providers not licensed by the BOARD shall be supported with funds from those individual Licensees and their licensing agencies.

**Section 16. Approval of Treatment Facilities:** All parties recognize that an impaired Licensee may be required to submit to treatment. MPHP/MPHC utilize a number of treatment facilities recognized nationally for their expertise in the evaluation and treatment of health care professionals. No Licensee shall be referred to a treatment facility for evaluation and/or treatment unless that facility has been jointly recognized by both the MPHC and the BOARD as a facility approved for treatment of impaired Licensees. The MPHC and the BOARD may jointly agree to an individual exception under special circumstances if appropriate. Any Licensee who comes to the attention of either the BOARD or MPHP after having completed either a recognized or non-recognized treatment process will be reviewed by MPHC in terms of quality of recovery and additional treatment may be mandated if warranted. Guidelines for approval of a treatment facility shall be created and amended as needed by joint action of

MPHC and the BOARD. In this regard, any and all funds provided by the BOARD to support the MPHP as provided in Section 12 above, shall not be deemed or interpreted as an inducement for remuneration in return for referral of impaired Licensees to any treatment facility or its medical staff.

**Section 17. Immunity:** Program activities conducted in good faith pursuant to this Memorandum shall not be grounds for civil action under the laws of this State, including, but not limited to, Miss. Code Ann., Sections 73-25-67 and 73-25-91, and are deemed to be State directed and sanctioned and shall constitute State action for the purposes of application of antitrust laws and the Mississippi Tort Claims Act.

**Section 18. New Administrative Policies:** The BOARD and MPHC, with the MSMA serving as advisory in all such deliberations, shall work in conjunction with each other to develop further administrative policies necessary to promote and effectuate the mission of the MPHP.

**Section 19. Term of Agreement:** This Memorandum, as amended, shall be in effect for a period of one (1) year from the date set forth above, and shall automatically renew for successive one (1) year periods, unless either party gives written notice to the other of termination not less than ninety (90) days prior to the end of the current one year term.

**Section 20. Default:** If either party to this agreement violates any of the terms and covenants contained herein, said violation shall be deemed an event of default. Upon the event of default, the non-defaulting party may, at its option, declare the agreement terminated by giving notice, including the specific written reasons therefore. Notwithstanding, it is the intent and purpose of this agreement to encourage both parties to amicably resolve any

differences. To this extent, the non-defaulting party may, at its option, request the defaulting party to take immediate steps to come into compliance with this agreement. Failure of the defaulting party to comply with the terms herein within a reasonable period of time, but not exceeding thirty (30) days, shall authorize the non-defaulting party to declare the Agreement as terminated.

**Section 21. Modification:** No modification or amendment of this Memorandum shall be effective unless approved by the MSMA Board of Trustees, the MPHIC, and the BOARD. Such modification or amendment shall be in writing and signed by all parties.

**Section 22. Notice:** All notices given with respect to this Memorandum shall be in writing. Every notice shall be deemed to have been given at the time it shall be deposited in the United States mail to the party to be notified at the address set forth below, or at such address as either party may from time to time designate in writing, to-wit:

If to the Mississippi State Board of Medical Licensure:

1867 Crane Ridge Drive, Suite 200-B  
Jackson, MS 39216

If to the Mississippi State Medical Association:

408 West Parkway Place  
Ridgeland, MS 39157

If to the Mississippi Professional Health Committee:

625 Lakeland Drive, Suite C  
Jackson, MS 39208-8817

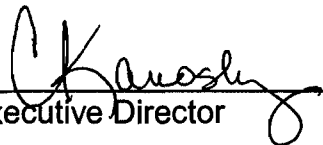
**Section 23. Applicable Law:** This agreement shall be governed by and construed in accordance with the laws of the state of Mississippi.

**Section 24. Additional Documents:** Each of the parties hereto agree to execute any document or documents that may be required from time to time by the other party to implement or complete the party's obligation pursuant to this Memorandum.

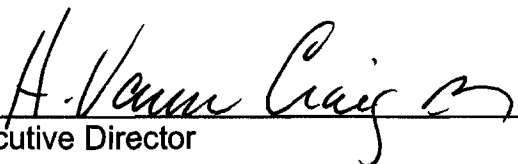
**Section 25. Entire Agreement:** This Memorandum expressly or through reference constitutes the entire agreement between the BOARD, MSMA, and the MPHIC covering the subject matter herein contained and shall supersede any previous agreements between the parties concerning said subject matter, whether previous agreement shall have been oral or reduced to writing.

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

MISSISSIPPI STATE MEDICAL ASSOCIATION

By:  \_\_\_\_\_  
Executive Director

MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

By:  \_\_\_\_\_  
Executive Director



The MISSISSIPPI PROFESSIONALS HEALTH PROGRAM and MISSISSIPPI PROFESSIONALS HEALTH COMMITTEE acknowledgment of and agreement with this Memorandum is evidenced by the Committee's joinder below.

MISSISSIPPI PROFESSIONALS HEALTH PROGRAM

By: GARY D. CURR  
Medical Director

NOTICE OF PROPOSED RULE ADOPTION  
STATE OF MISSISSIPPI  
Mississippi State Board of Medical Licensure

**COPY**  
**FILED**  
MAR 27 2008

MISSISSIPPI  
SECRETARY OF STATE

Mississippi State Board of Medical  
Licensure  
c/o Rhonda Freeman  
1867 Crane Ridge Drive, Suite 200-B  
Jackson, MS 39216

(601) 987-0223  
rhonda@msbml.state.ms.us

Specific Legal Authority authorizing  
Rule: (Insert citation to state or federal statute, or  
rule Section 73-43-11)

Reference to Rules repealed, amended or suspended by the  
Proposed Rule : ( Insert citation to specific rule(s) repealed,  
amended or suspended Chapter 25, Section 1000, Regulations  
Pertaining to Prescribing, Administering and Dispensing of Medication )

**Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule:** {Insert here}  
This amendment clarifies the Board's current regulation which allows the electronic transmission of prescriptions.

This rule is proposed as a  Final Rule, and/or a  Temporary Rule (Check one or both boxers as applicable.)

Persons may present their views on the proposed rule by addressing written comments to the agency at the above address. Persons making comments should include their name and address, as well as other contact information, and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

**Oral Proceeding:** Check one box below:

An oral proceeding is scheduled on this rule on Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Place: \_\_\_\_\_

If you wish to be heard and present evidence at the oral proceeding you must make a written request to the agency at the above address at least \_\_\_\_\_ day(s) prior to the proceeding to be placed on the agenda. The request should include your name, address, telephone number as well as other contact information; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

An oral proceeding is not scheduled on this rule. Where an oral proceeding is not scheduled, an oral proceeding will be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address and telephone number of the person(s) making the request; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

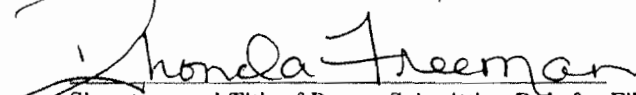
**Economic Impact Statement:** Check one box below:

- The agency has determined that an economic impact statement is not required for this rule, or  
 The concise summary of the economic impact statement required is attached.

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Date Rule Proposed: March 27, 2008

Proposed Effective Date of Rule: 30 days from final filing.

  
Signature and Title of Person Submitting Rule for Filing  
Rhonda Freeman, Bureau Director

SOS FORM APA 001  
Effective Date 07/29/2005



## MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

TO: Mississippi Secretary of State  
From: Mississippi State Board of Medical Licensure  
Date: March 27, 2008  
Subject: Notice of Proposed Rule Adoption

Mississippi Code §73-43-11 gives the Mississippi State Board of Medical Licensure the authority to promulgate and publish reasonable rules and regulations necessary to enable it to discharge its functions and to enforce the provisions of law regulating the practice of medicine and the conduct of physicians.

This amendment clarifies the Boards current regulation which allows the electronic transmission of prescriptions.

Any comments concerning the proposed regulation may be sent to the following address:

Mississippi State Board of Medical Licensure  
1867 Crane Ridge Drive, Suite 200-B  
Jackson, MS 39216

## Chapter 25 Regulations Pertaining to Prescribing, Administering and Dispensing of Medication

### Prescription Guidelines - All Medications

1000 In addition to any other requirements set forth in these regulations pertaining to the issuance of prescriptions of controlled substances, the following additional requirements apply to all prescriptions, whether or not said prescriptions are for controlled substances, legend drugs or any other medication:

1. Electronic prescription transmissions are allowed using standards established and approved by the United States Department of Health and Human Services - Agency for Healthcare Research and Quality (HHS-AHRQ). E-prescribing is the electronic entry of a prescription by a practitioner, the secure electronic transmission of the prescription to a pharmacy, the receipt of an electronic message by the pharmacy and E-prescription renewal requests sent electronically by the pharmacy to the practitioner. Electronic transmissions may be computer to computer or computer to facsimile.
2. Every written prescription delivered to a patient, or delivered to any other person on behalf of a patient, must be manually signed on the date of issuance by the physician. This does not prohibit, however, the transmission of ~~electronically telefaxed (but not e-mail) prescriptions~~ electronic prescriptions and telefaxed prescriptions (but not e-mail) for non-controlled drugs to the pharmacy of the patient's choice. Such telefaxed or electronic prescriptions shall ~~bear the be~~ authorized by a written or electronic signature of the prescribing physician and shall be issued in accordance with all other provisions of this section. No prescriptions for brand name or generic equivalents of Nalbuphine Hcl, Carisoprodol, Butalbital compounds, or Tramadol Hcl shall be telefaxed or electronically transmitted.
3. All prescriptions shall be on forms containing two lines for the physician's signature. There shall be a signature line in the lower right-hand corner of the prescription form beneath which shall be clearly imprinted the words "substitution permissible." There shall be a signature line in the lower left corner of the prescription form beneath which shall be clearly imprinted the words "dispense as written." The physician's signature on either signature line shall validate the prescription and designate approval or disapproval of product selection. The prescription form shall bear the pre-printed name of the physician, or the physician shall clearly print his or her name on the prescription form, in addition to the physician's original signature. In the event that the prescription form bears the pre-printed name of more than one physician, the physician shall clearly indicate the name of the physician writing the prescription.
4. If a prescription form which does not contain two signature lines required in Section 1000.2 of this Chapter is utilized by the physician, he or she shall write in his or her own handwriting the words "dispense as written" thereupon to prevent product selection.

5. Every written prescription issued by a physician for a legend drug should clearly state whether or not the prescription should be refilled, and if so, the number of authorized refills and/or the duration of therapy. Physicians should avoid issuing prescriptions refillable on "prn" basis. If a physician chooses to issue a prescription refillable "prn", the life of the prescription or time limitation must clearly be set forth on the prescription. In no case shall a prescription which is refillable on a "prn" basis be refilled after the expiration of one (1) year. Regardless of whether a prescription is refillable on a "prn" basis or the prescription expressly states the number of authorized refills, the use of said medication should be re-evaluated on at least an annual basis. Upon the expiration of one (1) year, a prescription becomes invalid, regardless of the number of refills indicated or "prn" designation. Thereafter, a new prescription, if indicated, must be issued.

Every written prescription issued by a physician, bearing more than one non-controlled medication, shall clearly indicate the intended refill instructions for each medication. Lack of clearly indicated refill instructions prohibit the refilling of the medications. All unused lines on a multi-line prescription blank shall be clearly voided by the issuing physician.

6. A prescription shall no longer be valid after the occurrence of any one of the following events:
  - a. Thirty (30) days after the death of the issuing physician.
  - b. Thirty (30) days after the issuing physician has moved or otherwise changed the location of his or her practice so as to terminate the doctor/patient relationship. Termination of the doctor/patient relationship results when a patient is no longer able to seek personal consultation or treatment from the issuing physician.
  - c. Insofar as controlled substances are concerned, immediately after loss of DEA Controlled Substances Privilege by the issuing physician.
  - d. Immediately after revocation, suspension or surrender of the physician's license.

**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**  
**IN THE MATTER OF THE PHYSICIAN'S LICENSE**  
**OF**  
**NEIL BURTON SLOAN, M.D.**

**CONSENT ORDER**

**WHEREAS**, Licensee is current holder of License No. 19029 for the practice of medicine in the State of Mississippi;

**WHEREAS**, the Investigative Staff of the Mississippi State Board of Medical Licensure has conducted a comprehensive investigation into the medical practice of NEIL BURTON SLOAN, M.D., Corinth, Mississippi, and has documented evidence indicating that Dr. Sloan, hereinafter referred to as "Licensee," is in violation of the Rules and Regulations of the Board "Pertaining to Prescribing, Administration and Dispensing of Medication" by administering, dispensing or prescribing narcotic drugs, or any other drug having addiction-forming or addiction-sustaining liability, otherwise than in the course of legitimate professional practice; failure to appropriately maintain patient records and documentation; and unprofessional conduct, including dishonorable or unethical conduct likely to deceive, defraud, or harm the public;

**WHEREAS**, such conduct, if established before the Board, constitutes violation of the Mississippi Medical Practice Act and specifically, Subsections (8)(d) and (13) of Section 73-25-29, and Section 73-25-83(a) Mississippi Code Annotated, as amended, for which the Mississippi State Board of Medical Licensure may revoke the medical license of Licensee, suspend it for a time deemed proper by the Board, or take any other action the Board may deem proper under the circumstances;

**WHEREAS**, Licensee wishes to avoid a hearing before the Mississippi State Board of Medical Licensure and in lieu thereof has agreed to execute this Consent Order subject to the terms, conditions, and restrictions as specified below;

**NOW THEREFORE**, the Mississippi State Board of Medical Licensure, with consent of Licensee as signified by his joinder herein, does hereby place the following terms, conditions and restrictions on Licensee's certificate (No. 19029) to practice medicine in the State of Mississippi, to-wit:

1. Licensee's patient records/charts will be subject to a statistically relevant Board approved audit, including pharmacy monitoring and prescription audit, to monitor Licensee's compliance with all applicable Rules and Regulations of the Board. Said audit (patient records/charts and prescription audit) shall be conducted by Board approved individuals/entity with the number and identification of files to be audited subject to determination and approval by the Board. First audit is to take place as soon as the Board has designated the appropriate entity to conduct such an audit. Subsequent audits are to occur at quarterly intervals for a one (1) year period. All costs associated with said audits shall be the sole responsibility of Licensee.

2. Licensee's practice of medicine shall be subject to strict Board approved oversight and monitoring to be performed at quarterly intervals for a one (1) year period by the Mississippi State Board of Medical Licensure. Any and all costs associated with the Board's oversight and monitoring of Licensee shall be the sole responsibility of Licensee.

3. On or before the expiration of one (1) year from the date of this order, Licensee shall successfully complete ten (10) hours of Board approved continuing medical education ("CME") pertaining to record-keeping and ten (10) hours of Board approved continuing medical education pertaining to pain management and the use of controlled substances for a combined total of twenty (20) hours of Board approved CME. Following the completion of each course, Licensee shall submit to the Board documentary proof of successful completion thereof.

4. Beginning immediately, Licensee shall no longer accept or treat new patients for chronic pain management. Licensee will decrease the number of chronic pain management patients currently under his management, including the discharge of any non-compliant pain management patients. After the expiration of a minimum of one (1) year from the date of this order, Licensee shall have the right but not the obligation to petition the Board to remove the prohibition from treating patients for chronic pain management. In considering any petition by Dr. Sloan to remove the restriction from treating chronic pain management patients, the Board may take into consideration the following information, including but not limited to, any additional and specialized education, training, courses and continuing medical education obtained by Dr. Sloan in the area of chronic pain management.

5. Licensee's controlled substance privileges (prescribing, administering, and dispensing) shall be limited to Schedules IV and V. Licensee shall execute such forms or documents so as to immediately surrender his U.S. Drug Enforcement Administration (DEA) Uniform Controlled Substances Registration Certificate pertaining to Schedules II, IIN, III, and IIIN. After expiration of a minimum of six (6) months from the date of this order, Licensee shall have the right but not the obligation to petition the Board for return of controlled substance privileges for Schedule III and IIIN. After the expiration of a minimum of one (1) year from the date of this order, Licensee shall have the right but not the obligation to petition the Board for return of controlled substance privileges for Schedule II and IIN. Licensee's request for return of part or all of his controlled substances privileges shall be reviewed by the Executive Committee of the Mississippi State Board of Medicine.

6. Licensee shall reimburse the Board for all costs incurred in relation to the pending matter pursuant to Miss. Code Ann. Section 73-25-30, with said amount not to exceed \$10,000. Licensee shall be advised of the total assessment by separate written notification, and shall have a certified check or money order made payable to the Mississippi State Board of




Medical Licensure on or before forty (40) days from the day of acceptance and approval of this Consent Order by the Board and Notice to Licensee.

Licensee understands and expressly acknowledges that this Consent Order 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 National Practitioner Data Bank and the U.S. Drug Enforcement Administration, and the Board makes no representation as to actions, if any, which the U.S. Drug Enforcement Administration may take in response to this Order.

Recognizing his right to notice of charges specified against him, to have such charges adjudicated pursuant to Miss. Code Ann., Sections 73-25-1 et seq., to be represented therein by legal counsel of his choice, and to a final decision based upon written findings of fact and conclusions of law, NEIL BURTON SLOAN, M.D., nonetheless hereby waives his right to notice and a formal adjudication of charges, thereby placing the above enumerated terms, conditions and restrictions on his license to practice medicine in the State of Mississippi.

ACCEPTED, this the 14 day of April, 2008.

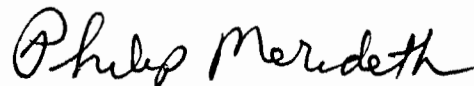
By:

  
NEIL BURTON SLOAN, M.D.

EXECUTED this the 17<sup>th</sup> day of April, 2008.

Mississippi State Board of Medical Licensure

By:

  
PHILIP T. MERIDETH, M.D., J.D.,  
PRESIDENT

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

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

**STANLEY CLAY RUSSELL, M.D.**

**AGREED PERMANENT CONSENT ORDER**

**WHEREAS**, Licensee is current holder of License No. 03623 for the practice of medicine in the State of Mississippi;

**WHEREAS**, the Investigative Staff of the Mississippi State Board of Medical Licensure has conducted a comprehensive investigation into the medical practice of STANLEY CLAY RUSSELL, M.D., Jackson, Mississippi, and has documented evidence indicating that Dr. Russell, hereinafter referred to as "Licensee," is in violation of the Rules and Regulations of the Board "Pertaining to Prescribing, Administering and Dispensing of Medication" by administering, dispensing or prescribing narcotic drugs, or any other drug having addiction-forming or addiction-sustaining liability, otherwise than in the course of legitimate professional practice; failure to appropriately maintain patient records and documentation; and unprofessional conduct, including dishonorable or unethical conduct likely to deceive, defraud, or harm the public;

**WHEREAS**, such conduct, if established before the Board, constitutes violation of the Mississippi Medical Practice Act and specifically, Subsections (3), (8)(d) and (13) of Section 73-25-29, and Section 73-25-83(a) Mississippi Code Annotated, as amended, for which the Mississippi State Board of Medical Licensure may revoke the medical license of Licensee, suspend it for a time deemed proper by the Board, or take any other action the Board may deem proper under the circumstances;

**WHEREAS**, Licensee wishes to avoid a hearing before the Mississippi State Board of Medical Licensure and in lieu thereof has agreed to execute this Permanent Consent Order subject to the terms, conditions, and restrictions as specified below;

**WHEREAS**, this Permanent Consent Order supersedes and replaces the Agreed Consent Order of Temporary Action entered into on January 25, 2008, between Licensee and the Board.

**NOW THEREFORE**, the Mississippi State Board of Medical Licensure, with consent of Licensee as signified by his joinder herein, does hereby place the following terms, conditions and restrictions on Licensee's certificate (No. 03623) to practice medicine in the State of Mississippi, to-wit:

1. Licensee shall not engage in the private practice of medicine. Licensee's practice shall be limited to the physical premises of Region 8 Mental Health Center only. Licensee shall practice in a supervised structured environment limited to the treatment of Region 8 Mental Health Center clients only. Paul Scott McGinnis, M.D., a Region 8 psychiatrist (supervising physician) designated by Licensee and approved by the Board's Executive Director, will oversee, review and evaluate Licensee's care of patients and documentation. While Dr. McGinnis does not have to be physically present at all times when Licensee is treating patients, he shall be at Region 8 on a routine basis sufficient enough to generally monitor Licensee's practice, including but not limited to, periodic review of patient charts and being accessible to Licensee for professional consultation and supervision as needed. Dr. McGinnis shall continue to provide the Board with quarterly statements summarizing the results of Licensee's supervision and shall immediately notify the Board of any practice or patient care concerns noted during his supervision of Licensee. Any replacement of Dr. McGinnis as supervising physician for Dr. Russell shall be made only after approval of the Executive Director of the Mississippi State Board of Medical Licensure in consultation with the Executive Committee of the Board.

2. Licensee shall collaborate with the Board to set up a face-to-face meeting with Region 8 supervising psychiatrist, Paul Scott McGinnis, M.D., to discuss all facets of this agreement, therefore allowing the Board reassurance that Dr. McGinnis understands the restrictions placed on Licensee herein.

3. Licensee's controlled substance privileges (prescribing, administering, and dispensing) shall be and is hereby revoked. Licensee, having previously surrendered registration in all Schedules with the exception of Schedule V, shall immediately execute such forms or documents necessary so as to surrender his U.S. Drug Enforcement Administration (DEA) Uniform Controlled Substances Registration Certificate pertaining to all Schedules, including Schedule V. Surrender of controlled substances privileges is permanent and Licensee shall not reapply or attempt to re-register for controlled substance privileges. In addition to the prohibition from prescribing, administering, and dispensing all controlled substances, Licensee is immediately prohibited from also prescribing, administering and/or dispensing the following non-controlled drugs: Nalbuphine Hcl; Carisoprodol; Butalbital compounds and Tramadol Hcl.

4. In addition to any CME requirements imposed by Chapter 7, Section 100 (previously Article XXI) of the Board's Rules and Regulations, on or before the expiration of one (1) year from the date of this order Licensee shall obtain and complete twenty (20) hours of Board approved continuing medical education ("CME") pertaining to medical ethics and issues regarding prescribing of medications and documentation; appropriate documentation, charting and record keeping; and medical ethics regarding patient treatment. Licensee's submitted CME reports shall include appropriate certificates of attendance, proof of successful completion, course description, and dates of attendance.

5. Licensee acknowledges and agrees that Licensee will not act as supervisor for any nurse practitioners. Further, Licensee understands and agrees that the restrictions on Licensee's medical license prevent Licensee from serving as collaborative or supervising physician for a nurse practitioner.

6. Licensee agrees that the terms of this Agreed Consent Order are hereby permanent.

7. Licensee's practice of medicine shall be subject to periodic surveillance by the Mississippi State Board of Medical Licensure to monitor compliance with this Consent Order. The Board's Executive Director, any member of the Board, or investigative staff may, at their discretion, perform a patient chart review, including prescription audit and monitoring, of a representative sample of those patients treated by Licensee.

8 Licensee acknowledges and agrees that any violation of this Agreed Permanent Consent Order, in part or in whole, as determined by the Executive Director of the Mississippi State Board of Medical Licensure in consultation with the Executive Committee of the Board, shall result in Licensee's immediate surrender of his license to practice medicine without a due process hearing on any such violation. In the event Licensee refuses to surrender his license, Licensee acknowledges and agrees that the Board may issue a Summary Suspension of License without hearing pending a due process hearing to be held within a minimum of fifteen (15) days notice.

9 Licensee shall reimburse the Board for all costs incurred in relation to the pending matter not to exceed Ten Thousand Dollars (\$10,000.00), pursuant to Miss. Code Ann. Section 73-25-30.

Licensee understands and expressly acknowledges that this Consent Order 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 National Practitioner Data Bank and the U.S. Drug Enforcement Administration, and the Board makes no representation as to actions, if any, which the U.S. Drug Enforcement Administration may take in response to this Order.

Recognizing his right to notice of charges specified against him, to have such charges adjudicated pursuant to Miss. Code Ann., Sections 73-25-1 et seq., to be represented therein by legal counsel of his choice, and to a final decision based upon written findings of fact and conclusions of law, STANLEY CLAY RUSSELL, M.D., nonetheless hereby waives his right to notice and a formal adjudication of charges, and authorizes the Board to enter this Agreed



Permanent Consent Order thereby placing the above enumerated terms, conditions and restrictions on his license to practice medicine in the State of Mississippi.

ACCEPTED, this the 3 day of April, 2008.

By:

  
STANLEY CLAY RUSSELL, M.D.

EXECUTED this the 3 day of April, 2008.

Mississippi State Board of Medical Licensure

By:

  
PHILIP T. MERIDETH, M.D., J.D.,  
PRESIDENT

NOTICE OF RULE ADOPTION—FINAL RULE

**COPY**

STATE OF MISSISSIPPI

Mississippi State Board of Medical Licensure

**FILED**  
MAR 27 2008

Mississippi State Board of Medical Licensure  
c/o Rhonda Freeman  
1867 Crane Ridge Drive, Suite 200-B  
Jackson, MS 39216

(601) 987-3079  
rhonda@msbml.state.ms.us

Specific Legal Authority Authorizing the promulgation of  
**MISSISSIPPI SECRETARY OF STATE**  
Rule: {Insert citation to state or federal statute, or  
rule Section 73-43-11

Reference to Rules repealed, amended or suspended by the  
Proposed Rule : {Insert citation to specific rule(s) repealed,  
amended or suspended Chapter 16, Section 100, Laser Devices

Date Rule Proposed:

Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule:

~~Language is being added to allow the use of lasers by dentists in the practice of dentistry.~~  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The Agency Rule Making Record for this rule including any written comments received during the comment period and the record of any oral proceeding is available for public inspection by contacting the Agency at the above address.

An oral proceeding was held on this rule:

Date:  
Time:  
Place:

An oral proceeding was not held on this rule.

The Agency has considered the written comments and the presentations made in any oral proceedings, and

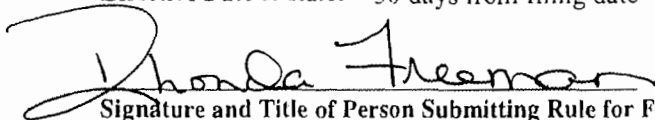
This rule as adopted is without variance from the proposed rule.

This rule as adopted differs from the proposed rule as there are minor editorial changes which affect the form rather than the substance of the rule.

The rule as adopted differs from the proposed rule. The differences however are:  
Within the scope of the matters in the Notice of Proposed Rule Adoption, the logical outgrowth of the contents of the Notice of Proposed Rule Adoption and the comments submitted in response thereto, and  
The Notice of Proposed Rule Adoption provided fair warning that the outcome of the proposed rule adoption could be the rule in question.

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Effective Date of Rule: 30 days from filing date



Signature and Title of Person Submitting Rule for Filing

Rhonda Freeman  
Bureau Director

TELEPHONE: (601) 987-3079



FAX: (601) 987-4159

## MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

TO: Mississippi Secretary of State

From: Mississippi State Board of Medical Licensure

Date: March 27, 2008

Subject: Notice of Proposed Rule Adoption - Final Rule

Mississippi Code §73-43-11 gives the Mississippi State Board of Medical Licensure the power to promulgate and publish reasonable rules and regulations necessary to enable it to discharge its functions and to enforce the provisions of law regulating the practice of medicine.

This rule as adopted does not differ from the proposed rule.

This is an amendment to Board regulation, "Laser Devices", Chapter 16, Section 100. It amends the current regulation to allow the use of lasers by dentists in the practice of dentistry.



## Chapter 16 Laser Devices

- 100 The use of laser, pulsed light or similar devices, either for invasive or cosmetic procedures, is considered to be the practice of medicine in the state of Mississippi and therefore such use shall be limited to physicians and those directly supervised by physicians, such that a physician is on the premises and would be directly involved in the treatment if required. These rules and regulations shall not apply to any person licensed to practice dentistry if the laser, pulsed light, or similar device is used exclusively for the practice of dentistry.

**Adopted March 18, 1999. Amended May 19, 2005. Amended January 18, 2007.  
Amended March 8, 2007. Amended May 17, 2007. Amended March 27, 2008.**

MAY 2008

EXAMERS

**MINUTES  
EXECUTIVE COMMITTEE MEETING  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
MAY 14, 2008**

**MEMBERS PRESENT:**

Philip T. Merideth, M.D., J.D., Jackson, President  
Don A. Gibson, M.D., Richland, Vice President  
William S. Mayo, D.O., Oxford, Secretary

**ALSO PRESENT:**

H. Vann Craig, M.D., Director  
Stan T. Ingram, Complaint Counsel for the Board  
Ellen O'Neal, Assistant Attorney General  
Rhonda Freeman, Bureau Director, Licensure Division  
Thomas Washington, Bureau Director, Investigative Division  
Frances Scott, Special Projects Officer, Investigative Division  
Leslie Ross, Investigations Supervisor  
Sherry Harris, Staff Officer

The Executive Committee of the Mississippi State Board of Medical Licensure met on Wednesday, May 14, 2008, at 1:00 p.m. in the Executive Conference Room of the Office of the Board located at 1867 Crane Ridge Drive, Jackson, Mississippi.

**BARRY J. POLITI, M.D., JACKSON, MISSISSIPPI MEDICAL LICENSE NUMBER 18992, DETERMINATION OF REASONABLE CAUSE AND ORDER OF AUTHORITY TO INSPECT AND COPY RECORDS**

Leslie Ross, Investigations Supervisor, presented to the Executive Committee those facts necessary to make a determination of reasonable cause pursuant to Miss. Code Ann. 73-25-28, to inspect records of Dr. Politi. After questioning Ms. Ross, the Executive Committee unanimously agreed that reasonable cause did exist and made the decision to allow Ms. Ross and Dr. Craig approval to obtain and copy records necessary for the investigation.

**EXECUTIVE COMMITTEE MINUTES**

**May 14, 2008**

**Page 2**

**REQUEST APPROVAL FOR EXECUTIVE DIRECTOR TO ATTEND THE ANNUAL MEETING OF THE MISSISSIPPI STATE MEDICAL ASSOCIATION (MSMA) MAY 28, 2008, THROUGH JUNE 1, 2008, AND THE ANNUAL MEETING OF THE AMERICAN MEDICAL ASSOCIATION (AMA) JUNE 13, 2008, THROUGH JUNE 18, 2008**

Motion was made by Dr. Merideth and seconded by Dr. Gibson to approve expenses for Dr. Craig to attend the Mississippi State Medical Association meeting and the American Medical Association meeting.

**JOHNNY MITIAS, M.D., NEW ALBANY, MISSISSIPPI MEDICAL LICENSE NUMBER 13955, REQUEST FOR CME EXTENSION**

Dr. Craig advised that a request had been received from Dr. Mitias requesting an extension on his CME hours. After a brief discussion, motion was made by Dr. Gibson and seconded by Dr. Merideth to advise Dr. Mitias that sufficient justification had not been presented to grant an extension and that he has until June 30, 2008, to obtain the needed sixteen (16) hours.

**GABRIELLE FODOR MORRIS, M.D., REDDING, CA, MISSISSIPPI MEDICAL LICENSE NUMBER 18159, PETITION FOR REMOVAL OF CONSENT ORDER**

Dr. Craig advised that the Board had received a letter from Dr. Morris advising that she had successfully completed the requirements of California's Board Order and was petitioning removal of Mississippi's Consent Order.

After a brief discussion, motion was made by Dr. Gibson and seconded by Dr. Merideth to remove all restrictions on Dr. Morris' Mississippi medical license. A copy of the Order Removing All Restrictions is attached hereto and incorporated by reference.

**MANAGEMENT OF CONSENT ORDERS**

Dr. Craig discussed utilizing the investigative staff to prepare Consent Orders since they have templates to assist them. The Executive Committee unanimously agreed to utilize staff, when possible, for preparing Consent Orders and other legal documents.

**DR. MAYO ARRIVED AT 1:30 P.M.**

**EXECUTIVE COMMITTEE MINUTES**

**May 14, 2008**

**Page 3**

**BILLY RAY SHOWS, M.D., NEWTON, MISSISSIPPI MEDICAL LICENSE NUMBER 06247**

Dr. Craig advised that the Board had received information providing evidence that Dr. Shows had been sentenced in the U. S. District Court for conspiring to evade federal income taxes and sentenced on three (3) counts of attempted tax evasion for the years 1999, 2000, and 2001. Dr. Craig advised that Dr. Shows was ordered to serve twenty-seven (27) months in federal prison followed by a three (3) year term of supervised release.

After a brief discussion, motion was made by Dr. Mayo, seconded by Dr. Gibson, and carried unanimously to offer Dr. Shows a Consent Order suspending his Mississippi medical license.

**REQUEST FROM REGION IV MENTAL HEALTH FOR APPLICATIONS FOR LIMITED INSTITUTIONAL LICENSES**

Dr. Craig advised that the Board had received a letter from Charlie Spearman, Sr., Executive Director, Region IV Mental Health/Mental Retardation Commission, requesting an application that would be appropriate by a foreign medical graduate to become licensed to practice in Mississippi.

After a brief discussion, motion was made by Dr. Merideth, seconded by Dr. Mayo, and carried unanimously to invite Mr. Spearman and a representative from the Department of Mental Health to make a presentation at the July Board meeting to provide the Board additional information and facts concerning their request.

**PERSONAL APPEARANCE BY STEVEN T. HAYNE, M.D., BRANDON, MISSISSIPPI MEDICAL LICENSE NUMBER 10600**

Dr. Hayne was not present due to testifying in a case today. Dr. Hayne's attorneys, Dale Danks, Merrida Coxwell, and Michael Cory, were present. After a brief discussion, the Executive Committee unanimously agreed to thank Dr. Hayne's attorneys for coming but wished to defer the matter until Dr. Hayne could be present. Mr. Ingram, Complaint Counsel for the Board, advised that he would advise the attorneys of the Board's decision, provide them with a copy of the Board's Confidentially Policy, and advise them that they would receive written notification concerning the meeting.

After further discussion, the Executive Committee unanimously agreed to advise Dr. Hayne and Mr. Danks that the Board had scheduled an Executive Committee meeting for 1:00 p.m. on Friday, June 6, 2008. The Executive Committee unanimously

## **EXECUTIVE COMMITTEE MINUTES**

**May 14, 2008**

**Page 4**

agreed that should Dr. Hayne fail to personally appear before the Executive Committee on June 6 that he will be summoned to appear for a formal hearing before the Full Board on July 10, 2008.

### **PERSONAL APPEARANCE BY RUBEN S. CRUZ, M.D., MERIDIAN, LIMITED INSTITUTIONAL MEDICAL LICENSE NUMBER 588-L**

Dr. Cruz joined the meeting but was not represented by legal counsel. Dr. Cruz was joined by Charles Carlisle, Director of East Mississippi State Hospital, and Dr. Grace Kelly, Clinical Director of East Mississippi State Hospital. Dr. Cruz executed a written agreement for this informal meeting, a copy of which is attached hereto and incorporated by reference.

Dr. Craig advised that Dr. Cruz has a limited institutional license and was requesting an extension. Dr. Craig advised that the Board's regulation states that a foreign medical graduate may hold such limited institutional license no longer than five (5) years, and that Dr. Cruz was issued his license in May 2003.

Mr. Carlisle and Dr. Kelly addressed the Executive Committee advising that East Mississippi State Hospital only has two (2) physicians that have limited institutional licenses and they are now hiring physicians with permanent licenses. Mr. Carlisle advised the problems that they were having recruiting physicians and requested an extension for Dr. Cruz and Dr. Ongkingco due to the need at the hospital and their age.

### **PERSONAL APPEARANCE BY PACIFICO DIZON ONGKINGCO, JR., M.D., MERIDIAN, LIMITED INSTITUTIONAL MEDICAL LICENSE NUMBER 473-L**

Dr. Ongkingco joined the meeting but was not represented by legal counsel. Dr. Ongkingco was joined by Charles Carlisle, Director of East Mississippi State Hospital, and Dr. Grace Kelly, Clinical Director of East Mississippi State Hospital. Dr. Ongkingco executed a written agreement for this informal meeting, a copy of which is attached hereto and incorporated by reference.

Dr. Craig advised that Dr. Ongkingco was here basically requesting an extension to his limited institutional license. Dr. Craig advised that the difference between Dr. Ongkingco and Dr. Cruz is that Dr. Ongkingco has had a limited institutional license since August 1997.

After a brief discussion, the Executive Committee unanimously agreed to extend the limited institutional license for Dr. Cruz and Dr. Ongkingco for another year. Both physicians are to request an extension on an annual basis. In addition, the Executive

## **EXECUTIVE COMMITTEE MINUTES**

**May 14, 2008**

**Page 5**

Committee requires that they are supervised by a board certified psychiatrist or board eligible psychiatrist and also are required to obtain documentation of at least twenty (20) hours of Category 1 continuing medical education in psychiatry each year.

**THE EXECUTIVE COMMITTEE RECESSED AT 3:30 P.M. AND RETURNED AT 3:45 P.M.**

### **PERSONAL APPEARANCE BY JOSEPH CARROLL HILLMAN, JR., M.D., COLUMBUS, MISSISSIPPI MEDICAL LICENSE NUMBER 06420, PETITION FOR REMOVAL OF CONSENT ORDER**

Dr. Hillman was present but 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.

Before Dr. Hillman was asked to join the meeting, Dr. Craig advised that the Board had received a letter from Dr. Hillman requesting release from his Consent Order. Dr. Craig advised that the investigative division still has concerns with Dr. Hillman's boundary and prescriptive issues. Dr. Craig requested that Anthony Ware, Investigator, address the Board to discuss several issues.

Following a brief discussion, Dr. Hillman was asked to join the meeting where Dr. Craig advised that Dr. Hillman was here requesting release from his Consent Order.

Dr. Hillman addressed the Board and answered questions from the Executive Committee.

After a brief discussion, the Executive Committee unanimously agreed to advise Dr. Hillman that due to the ongoing concerns the Board has about his prescriptive practice and record documentation, to deny his request to release him from his current Consent Order. Dr. Hillman was also advised that he should not request release until at least twelve (12) months from the date of his appearance before the Executive Committee.

### **MARIA CARMEN PALAZZO, M.D., NEW ORLEANS, MISSISSIPPI MEDICAL LICENSE NUMBER 14691**

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

Dr. Craig advised that the Board had received information that on April 16, 2008, Dr. Palazzo was found guilty of thirty-nine (39) counts of Healthcare Fraud in the United States District Court, Eastern District of Louisiana, and also directed to forfeit \$655,266.

## **EXECUTIVE COMMITTEE MINUTES**

**May 14, 2008**

**Page 6**

Dr. Craig advised that Dr. Palazzo's sentencing is scheduled for July 23, 2008.

After a brief discussion, motion was made by Dr. Mayo, seconded by Dr. Gibson, and carried unanimously to offer Dr. Palazzo a Surrender of medical license.

### **UPDATE ON CHARLES KNIGHT, M.D., JACKSON, MS, APPLICANT**

For informational purposes only, Dr. Craig discussed Dr. Knight's visits and advised that he still has not gone for the clinical assessment evaluation. Dr. Craig discussed that Dr. Knight still advises that he only wants to teach residents and review charts for Medicaid but needs an unrestricted license. Dr. Craig discussed the possibility of Dr. Knight signing a non-public Letter of Agreement that would limit his practice to reviewing charts and teaching residents with the stipulation that if he violates the Agreement, he immediately loses his license to practice medicine.

After a brief discussion, motion was made by Dr. Merideth, seconded by Dr. Mayo, and carried unanimously to invite Dr. Knight to the July Executive Committee meeting to provide the Board and update and address concerns of the Board.

### **LETTER TO ATTORNEY GENERAL CONCERNING HOSPICE IN TUPELO, MS**

For guidance, Dr. Craig advised that the Board had received a letter from Scott Stuart, Director, Medicaid Fraud, Office of the Attorney General. Dr. Craig briefly discussed that Dr. Paul White was indicted by a Lee County Grand Jury on eleven (11) counts of misdemeanor neglect of a vulnerable adult and eleven (11) counts of aiding and abetting the practice of medicine without a license. Dr. Craig addressed his concern that the Attorney General's office did not call or consult our office in the matter, but did involve the Board of Nursing. Dr. Craig asked if the Executive Committee wished to express their concerns to the Attorney General.

After a brief discussion, the Executive Committee asked Ms. O'Neal to express the Board's concern of their lack of communication and requesting the Board's involvement to Attorney General Hood and to report back to the Board.

### **REVIEW OF MAY 15, 2008, BOARD AGENDA**

Dr. Craig briefly reviewed the agenda for tomorrow's Board meeting.



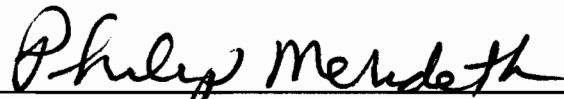
**EXECUTIVE COMMITTEE MINUTES**

**May 14, 2008**

**Page 7**

**ADJOURNMENT**

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



---

**PHILIP T. MERIDETH, M.D., J.D.**  
**President**

Minutes taken and transcribed  
by Sherry Harris  
Staff Officer  
May 14, 2008

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

GABRIELLE FODOR MORRIS, M.D.

ORDER REMOVING ALL RESTRICTIONS

**THIS MATTER** came on regularly for consideration on May 14, 2008, before the Executive Committee of the Mississippi State Board of Medical Licensure, in response to the request of Gabrielle Fodor Morris, M.D. (hereinafter "Licensee"), for removal of all restrictions imposed on her Mississippi medical license by virtue of that certain Consent Order dated May 19, 2005. 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 her 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 Gabrielle Fodor Morris, M.D.

ORDERED, this the 14<sup>th</sup> day of May, 2008.

MISSISSIPPI STATE BOARD OF  
MEDICAL LICENSURE

BY:

Philip Merideth  
PHILIP T. MERIDETH, M.D., J.D.  
PRESIDENT

**AGREEMENT TO APPEAR INFORMALLY BEFORE EXECUTIVE COMMITTEE**

I, Ruben S. Cruz, 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 14 day of MAY, 2008.

Ruben S. Cruz, M.D.

Witness: Sherry Harris

**AGREEMENT TO APPEAR INFORMALLY BEFORE EXECUTIVE COMMITTEE**

I, Pacifico Dizon Ongkingco, 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 14 day of MAY, 2008.

Pacifico Ongkingco MD

Witness:

Sherry Harris

**AGREEMENT TO APPEAR INFORMALLY BEFORE EXECUTIVE COMMITTEE**

I, Joseph C. Hillman, 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 14<sup>th</sup> day of May, 2008.

Witness: \_\_\_\_\_

Sherry Harris

Joseph C. Hillman

**BOARD MINUTES**  
**MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**  
**MAY 15, 2008**

The regularly scheduled meeting of the Mississippi State Board of Medical Licensure was held on Thursday, May 15, 2008, in the Board Room of the Office of the Board located at 1867 Crane Ridge Drive, Jackson, Mississippi.

The following members were present:

Philip T. Merideth, M.D., J.D., Jackson, President  
Don A. Gibson, M.D., Richland, Vice President  
William S. Mayo, D.O., Oxford, Secretary  
A. Wallace Conerly, M.D., Jackson  
S. Randall Easterling, M.D., Vicksburg  
William B. Harper, D.O., Greenwood

Also present::

H. Vann Craig, M.D., Director  
Stan T. Ingram, Complaint Counsel for the Board  
Ellen O'Neal, Assistant Attorney General  
Rhonda Freeman, Bureau Director, Licensure Division  
Frances Scott, Special Projects Officer, Investigative Division  
Sherry Harris, Staff Officer  
Wesley Breland, Hattiesburg, Consumer Health Committee

Not present:

Larry B. Aycock, M.D., McComb  
Dewitt G. Crawford, M.D., Louisville  
Virginia M. Crawford, M.D., Hattiesburg  
Thomas Washington, Bureau Director, Investigative Division  
Cecil R. Burnham, Jackson, Consumer Health Committee  
Martha Thompson, Oxford, Consumer Health Committee

The meeting was called to order at 9:30 a.m. by Dr. Merideth, President. The invocation was given by Dr. Mayo and the pledge was led by Dr. Merideth. Dr. Merideth welcomed Ella Hardwick, Court Reporter. Dr. Merideth welcomed several other visitors present at the meeting.

Dr. Merideth opened the floor for public comments. There were no public comments brought before the Board for discussion.

## **BOARD MINUTES**

**May 15, 2008**

**Page 2**

### **APPROVAL OF CERTIFICATION OF MISSISSIPPI LICENSES TO OTHER ENTITIES FOR THE PERIOD MARCH 01, 2008, THROUGH APRIL 30, 2008**

Two hundred twelve (212) licenses were certified to other entities for the period March 01, 2008, through April 30, 2008. Motion was made by Dr. Easterling, seconded by Dr. Mayo, and carried unanimously to approve these certifications.

### **APPROVAL OF LICENSES ISSUED FOR THE PERIOD MARCH 01, 2008, THROUGH APRIL 30, 2008**

Sixty-eight (68) licenses were issued for the period March 01, 2008, through April 30, 2008. Motion was made by Dr. Mayo, seconded by Dr. Easterling, and carried unanimously.

### **REVIEW OF MINUTES OF THE EXECUTIVE COMMITTEE MEETING DATED MARCH 26, 2008, AND MINUTES OF THE BOARD MEETING DATED MARCH 27, 2008**

Minutes of the Executive Committee Meeting dated March 26, 2008, and Minutes of the Board Meeting dated March 27, 2008, were reviewed. Dr. Mayo moved for approval of the minutes as submitted. Dr. Gibson seconded the motion, and it carried unanimously.

### **REPORT OF MAY 14, 2008, EXECUTIVE COMMITTEE MEETING**

Dr. Craig briefly reported on the May 14, 2008, Executive Committee meeting.

Dr. Craig advised that Thomas Washington, Bureau Director, Investigative Division, was recently recognized at the Administrators in Medicine meeting in San Antonio by receiving the Ronald K. Williamson Memorial Award for Board investigators.

Dr. Craig advised that Mr. Breland's term as one of the Consumer Health Committee members is due to expire on June 30, 2008, but that Mr. Breland had accepted another three (3) year term with the Board's approval.

Dr. Craig briefly covered several physicians that the Executive Committee had discussed or had made an appearance. Information pertaining to the physicians discussed or making an appearance is reflected in the Executive Committee Minutes.

## **BOARD MINUTES**

**May 15, 2008**

**Page 3**

Dr. Craig presented other informational items which are reflected in the Executive Committee Minutes. After a brief discussion, motion was made by Dr. Easterling, seconded by Dr. Harper, and carried unanimously to ratify the actions of the Executive Committee.

### **REPORTS FROM COMMITTEES**

**Consumer Health** - Mr. Breland (Chair), Ms. Thompson, Mr. Burnham

**Education & Workforce** - Dr. Conerly (Chair), Dr. D. Crawford, Dr. Mayo

**Scope of Practice** - Dr. V. Crawford (Chair), Dr. Easterling, Dr. Aycock

**Professional Health Program** - Dr. Gibson (Chair), Dr. Mayo, Dr. Merideth

**Rules, Regulation & Legislative** - Dr. Easterling (Chair), Dr. D. Crawford,  
Dr. Harper

**Ethics** - Dr. Merideth (Chair), Dr. V. Crawford, Dr. Conerly

**Electronic Medical Records** - Dr. Aycock (Chair), Dr. V. Crawford, Dr. Mayo

Dr. Merideth asked if any of the committees had new information to report or discuss and there was no new information to report.

### **PRESENTATION BY PHYSICAL THERAPY BOARD CONCERNING UTILIZATION OF ELECTROMYOGRAPHY (EMG)**

Dr. Merideth advised that Dr. Arturo Leis, M.D., a Board Certified Neurologist in the Jackson area, had addressed the Board at the March Board meeting and today several members of the Physical Therapy Board were here to provide the Board with their position concerning electromyography (EMG).

Neva Greenwald, Program Administrator for the Physical Therapy Board, Quinn Millington, a physical therapist certified in EMG, Sylvia McCandless, a physical therapist and president elect to the Physical Therapy Board, Stephanie Boyette, Physical Therapy Board Administrator, and Gloria Green, the Attorney General's representative for the Physical Therapy Board, thanked the Board for allowing them time to discuss their curriculum and the reasons they believe that the Physical Therapy Board is covered by state law to perform EMG's.



## **BOARD MINUTES**

**May 15, 2008**

**Page 4**

The representatives presented information and advised that the physical therapists are not rendering a diagnosis, but are supplying information and render a conclusion to the physician to make the diagnosis. Also, they advised that the physical therapist should be Board Certified to perform EMG's and that currently only two (2) physical therapists in the state are certified, one of them being Mr. Millington.

After a brief discussion about conclusion versus diagnosis, Dr. Easterling advised that in his opinion this is the practice of medicine. After further discussion, Dr. Merideth thanked the representatives for their input and requested that the Physical Therapy Board submit a written request, with specific documentation, that the Board could refer to the Scope of Practice Committee for further study and consideration.

**THE BOARD RECESSED AT 10:35 A.M. AND RETURNED AT 10:55 A.M.**

### **SHOW CAUSE HEARING IN THE CASE OF MARGARET LITTEL MEREDITH, DPM, APPLICANT**

Dr. Meredith was present at the meeting but was not represented by legal counsel.

Dr. Merideth, Board President, advised that the minutes should reflect that he and Dr. Meredith, applicant, are not related and only met today.

Ms. O'Neal, Assistant Attorney General, questioned Dr. Meredith regarding legal representation, and Dr. Meredith stated that she wished to waive the right to an attorney and proceed without legal counsel.

Mr. Ingram, Complaint Counsel for the Board, addressed the Board and covered the Summons and Affidavit served on Dr. Meredith, as well as entered several exhibits into the record.

The applicant, Dr. Meredith, addressed the Board and explained that she simply misunderstood question #22 on the application and had even asked her future employer, Richard Myers, DPM, who was present at the meeting, how he interpreted the question. She advised that after discussing the question they were in agreement that she should respond "no" on her application, because they did not feel like the question was referring to malpractice issues.

After questions from the Board and verifying with West Virginia that they use "suspend" when a physician allows their license to lapse, motion was made by Dr. Gibson, seconded by Dr. Harper, and carried unanimously to consider going into

## **BOARD MINUTES**

**May 15, 2008**

**Page 5**

Executive Session. With a motion by Dr. Easterling, seconded by Dr. Harper, the Board went into Executive Session.

Upon a motion by Dr. Easterling, seconded by Dr. Gibson, and carried unanimously the Board came out of Executive Session at which time Dr. Merideth asked Dr. Mayo to report on the Board's decision. Dr. Mayo announced that the Board unanimously agreed that Dr. Meredith should received a public reprimand for a false statement in her application for her license and also an unrestricted license is granted to practice podiatry. A copy of Dr. Meredith's Order is attached hereto and incorporated by reference.

A verbatim account of this proceeding was recorded by Ella Hardwick, Court Reporter.

### **FINAL ADOPTION OF AMENDED REGULATIONS PERTAINING TO PRESCRIBING, ADMINISTERING AND DISPENSING OF MEDICATION / COMMENT LETTER RECEIVED FROM NATIONAL ASSOCIATION OF CHAIN DRUG STORES (NACDS) AND SURESCRIPTS**

Dr. Merideth advised that the Board had received a comment letter from the National Association of Chain Drug Stores (NACDS) and Surescripts with language recommendations for the Board's regulations pertaining to prescribing, administering and dispensing of medication.

After a brief discussion, motion was made by Dr. Mayo, seconded by Dr. Harper, and carried unanimously of the Board's intent to final adopt the regulation with the changes proposed by NACDS and Surescripts that amends paragraph 3 of the proposed amendment that was filed with the Secretary of State on March 27, 2008. A copy of the amended regulation is attached hereto and incorporated by reference. The regulation will be filed with the Secretary of State under the Administrative Procedures Act.

### **PROPOSED AMENDMENT TO REGULATION CONCERNING THE PRACTICE OF PHYSICIAN ASSISTANTS**

After a brief discussion that the proposed amendment change was to provide physician assistants a notice of renewal each year, motion was made by Dr. Easterling, seconded by Dr. Mayo, and carried unanimously of the Board's intent to adopt the proposed amendment concerning the practice of physician assistants. A copy of the proposed amendment is attached hereto and incorporated by reference. The proposed

**BOARD MINUTES**

**May 15, 2008**

**Page 6**

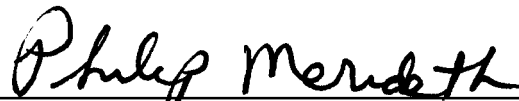
amendment of the regulation will be filed with the Secretary of State under the Administrative Procedures Act.

**PROPOSED AMENDMENT TO REGULATION CONCERNING THE PRACTICE OF RADIOLOGIST ASSISTANTS**

Dr. Craig advised that the proposed amendment change was to provide radiologist assistants a notice of renewal each year. Motion was made by Dr. Mayo, seconded by Dr. Easterling, and carried unanimously of the Board's intent to adopt the proposed amendment concerning the practice of radiologist assistants. A copy of the proposed amendment is attached hereto and incorporated by reference. The proposed amendment of the regulation will be filed with the Secretary of State under the Administrative Procedures Act.

**ADJOURNMENT**

The meeting adjourned at 12:10 p.m., with the next meeting scheduled for Thursday, July 10, 2008.



---

**PHILIP T. MERIDETH, M.D., J. D.**  
**President**

Minutes taken and transcribed  
by Sherry Harris  
Staff Officer  
May 15, 2008


**EXECUTIVE SESSION  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**

**AGENDA ITEM: XI. Show Cause Hearing in the case of Margaret Littel  
Meredith, DPM, applicant**

Motion made by Dr. Easterling, seconded by Dr. Harper, and carried unanimously to issue a public reprimand for false statement on application for her license and an unrestricted license is granted to practice podiatry.

<u>VOTE:</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Larry B. Aycock, M.D.				X
A. Wallace Conerly, M.D.	X			
Dewitt G. Crawford, M.D.				X
Virginia M. Crawford, M.D.				X
S. Randall Easterling, M.D.	X			
Don A. Gibson, M.D.	X			
William B. Harper, D.O.	X			
William S. Mayo, D.O.	X			
Philip T. Merideth, M.D., J.D.	X			

With a motion by Dr. D. Easterling, seconded by Dr. Gibson, the Board came out of Executive Session.

  
Philip T. Merideth, M.D., J.D.  
President

**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**  
**IN THE MATTER OF THE APPLICATION FOR LICENSURE OF**  
**MARGARET LOUISE LITTEL MEREDITH, D.P.M.**

**ORDER TO SHOW CAUSE**

**ORDER**

THIS MATTER having come on for hearing on May 15, 2008, before the Mississippi State Board of Medical Licensure (hereinafter "Board"), pursuant to Title 73, Chapter 27 of Mississippi Code Annotated, in response to the application of Margaret Louise Littel Meredith, D.P.M. (hereinafter "Applicant"), seeking a license to practice podiatric medicine in the State of Mississippi, and the Board, having considered the application and all evidence and testimony, renders the following Findings of Fact, Conclusions of Law, and Order:

**FINDINGS OF FACT**

1. On or about March 30, 2007, Applicant completed an application seeking a license to practice podiatric medicine in the State of Mississippi. The licensure staff for the Board received the original application on April 12, 2007. In response to the following application question, Applicant answered in the negative, to-wit:

22. *Have you ever had a judgement [sic] rendered against you, or action settled relating to the performance of your professional service?*

2. The licensure staff of the Board conducted an inquiry into the Applicant's licensure history and proceeded to obtain verification of the information contained in the application

including verification of Applicant's staff privileges. On May 4, 2007, the Board received verification of Staff Privileges from Carilion New River Valley Medical Center (formally Radford Community Hospital) regarding Applicant's prior affiliation. The comment section of the verification page contained the following statement, "Credentials Committee was concerned about the number of malpractice suits."

3. The licensure staff of the Board conducted an inquiry into the National Practitioner Data Bank regarding Applicant. According to Medical Malpractice Payment Reports from the Data Bank, settlements were paid on behalf of Applicant in four (4) separate matters involving allegations relating to the performance of Applicant's professional services.

4. On June 6, 2007, the Board received a letter from Applicant dated May 31, 2007, detailing Applicant's malpractice cases. In addition to Applicant's four (4) settlements reported to the National Practitioner Data Bank, Applicant reported an additional pending malpractice suit against her.

### **CONCLUSIONS OF LAW**

Based upon the Findings of Fact as enumerated above, applicant is in violation of Subsections (1)(g) and (1)(h)(vi) of Section 73-27-13, Mississippi Code (1972) Annotated, as amended, as a result of Applicant attempting to obtain a license by fraud or deception, and by virtue of submitting a false or fraudulent statement in Applicant's licensure application and signing said application under oath as true and correct. According to Applicant, when she answered Question No. 22, she believed the question pertained to something other than malpractice. Applicant states that she asked several other physicians, including her prospective employer to interpret what a "judgment rendered against" her meant, and believed malpractice was not what was being sought by the

question. Notwithstanding, the word "judgment" is not the only term used in Question No. 22. This Board cannot dismiss the additional language, "*or action settled relating to the performance of your professional service*". This clearly denotes a medical malpractice settlement, four (4) of which Applicant had already incurred. However, the Board feels that Applicant is mindful of her error. This, combined with the prompt action she took to later provide all requested information, serves to mitigate the violations.

**ORDER**

**IT IS HEREBY ORDERED** that based upon the Findings of Fact and Conclusions of Law enumerated above, Applicant is hereby publicly reprimanded. Notwithstanding, Applicant shall receive an unrestricted license to practice podiatric medicine in the State of Mississippi.

**IT IS FURTHER ORDERED** that Applicant shall pay all costs associated with the investigation and conduct of the proceedings for licensure herein.

**SO ORDERED**, this the 15th day of May, 2008.

**MISSISSIPPI STATE BOARD OF  
MEDICAL LICENSURE**

BY:



---

**PHILIP T. MERIDETH, M.D., J.D.  
PRESIDENT**

NOTICE OF RULE ADOPTION—FINAL RULE

STATE OF MISSISSIPPI

Mississippi State Board of Medical Licensure

**COPY FILED**  
MAY 16 2008

**MISSISSIPPI SECRETARY OF STATE**

Mississippi State Board of Medical Licensure  
c/o Rhonda Freeman  
1867 Crane Ridge Drive, Suite 200-B  
Jackson, MS 39216

(601) 987-3079  
rhonda@msbml.state.ms.us

Specific Legal Authority Authorizing the promulgation of Rule: (Insert citation to state or federal statute, or rule Section 73-43-11)

Reference to Rules repealed, amended or suspended by the Proposed Rule : (Insert citation to specific rule(s) repealed, amended or suspended Chapter 26 Regulations Pertaining to Prescribing, Administering, and Dispensing of Medication)

**Date Rule Proposed:**

**Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule:**

Amendments to this regulation will clarify the requirements for electronic prescription transmissions.

The Agency Rule Making Record for this rule including any written comments received during the comment period and the record of any oral proceeding is available for public inspection by contacting the Agency at the above address.

An oral proceeding was held on this rule:

Date:  
Time:  
Place:

An oral proceeding was not held on this rule.

The Agency has considered the written comments and the presentations made in any oral proceedings, and

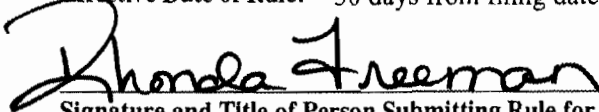
This rule as adopted is without variance from the proposed rule.

This rule as adopted differs from the proposed rule as there are minor editorial changes which affect the form rather than the substance of the rule.

The rule as adopted differs from the proposed rule. The differences however are:  
Within the scope of the matters in the Notice of Proposed Rule Adoption, the logical outgrowth of the contents of the Notice of Proposed Rule Adoption and the comments submitted in response thereto, and  
The Notice of Proposed Rule Adoption provided fair warning that the outcome of the proposed rule adoption could be the rule in question.

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Effective Date of Rule: 30 days from filing date



Signature and Title of Person Submitting Rule for Filing

Rhonda Freeman  
Bureau Director



TELEPHONE: (601) 987-3079



FAX: (601) 987-4159

## MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

TO: Mississippi Secretary of State

From: Mississippi State Board of Medical Licensure

Date: May 16, 2008

Subject: Notice of Proposed Rule Adoption - Final Rule

Mississippi Code §73-43-11 gives the Mississippi State Board of Medical Licensure the power to promulgate and publish reasonable rules and regulations necessary to enable it to discharge its functions and to enforce the provisions of law regulating the practice of medicine.

This rule as adopted differs from the proposed rule. The differences however are:

Within the scope of the matters in the Notice of Proposed Rule Adoption, the logical outgrowth of the contents of the Notice of Proposed Rule Adoption and the comments submitted in response thereto, and the Notice of Proposed Rule Adoption provided fair warning that the outcome of the proposed rule adoption could be the rule in question.

This is an amendment to Board regulation, Chapter 25, Section 1000, Regulations Pertaining to Prescribing, Administering and Dispensing of Medication, Prescription Guidelines - All Medications. It amends the current regulation to clarify the requirements for electronic prescription transmissions.

## Chapter 25 Regulations Pertaining to Prescribing, Administering and Dispensing of Medication

### Prescription Guidelines - All Medications

- 1000 In addition to any other requirements set forth in these regulations pertaining to the issuance of prescriptions of controlled substances, the following additional requirements apply to all prescriptions, whether or not said prescriptions are for controlled substances, legend drugs or any other medication:
1. Electronic prescription transmissions are allowed using standards established and approved by the United States Department of Health and Human Services - Agency for Healthcare Research and Quality (HHS-AHRQ). E-prescribing is the electronic entry of a prescription by a practitioner, the secure electronic transmission of the prescription to a pharmacy, the receipt of an electronic message by the pharmacy and E-prescription renewal requests sent electronically by the pharmacy to the practitioner. Electronic transmissions may be computer to computer or computer to facsimile.
  2. Every written prescription delivered to a patient, or delivered to any other person on behalf of a patient, must be manually signed on the date of issuance by the physician. This does not prohibit, however, the transmission of electronic prescriptions and telefaxed prescriptions (but not e-mail) for non-controlled drugs to the pharmacy of the patient's choice. Such telefaxed or electronic prescriptions shall be authorized by a written or electronic signature and shall be issued in accordance with all other provisions of this section. No prescriptions for brand name or generic equivalents of Nalbuphine Hcl, Carisoprodol, Butalbital compounds, or Tramadol Hcl shall be telefaxed or electronically transmitted.
  3. All written prescriptions shall be on forms containing two lines for the physician's signature. There shall be a signature line in the lower right-hand corner of the prescription form beneath which shall be clearly imprinted the words "substitution permissible." There shall be a signature line in the lower left corner of the prescription form beneath which shall be clearly imprinted the words "dispense as written." The physician's signature on either signature line shall validate the prescription and designate approval or disapproval of product selection. ~~The~~Each prescription form shall bear the pre-printed name of the physician, or the physician shall clearly print his or her name on the prescription form, in addition to the physician's original signature. In the event that the prescription form bears the pre-printed name of more than one physician, the physician shall clearly indicate the name of the physician writing the prescription. In the case of a prescription that is electronically generated and transmitted, the physician must make an overt act when transmitting the prescription to indicate either "dispense as written" or "substitution permissible". When done in conjunction with the electronic transmission of the prescription, the prescriber's overt act indicates to the pharmacist that the brand name drug prescribed is medically necessary.

4. If a prescription form which does not contain two signature lines required in Section 1000.2 of this Chapter is utilized by the physician, he or she shall write in his or her own handwriting the words "dispense as written" thereupon to prevent product selection.
5. Every written prescription issued by a physician for a legend drug should clearly state whether or not the prescription should be refilled, and if so, the number of authorized refills and/or the duration of therapy. Physicians should avoid issuing prescriptions refillable on "prn" basis. If a physician chooses to issue a prescription refillable "prn", the life of the prescription or time limitation must clearly be set forth on the prescription. In no case shall a prescription which is refillable on a "prn" basis be refilled after the expiration of one (1) year. Regardless of whether a prescription is refillable on a "prn" basis or the prescription expressly states the number of authorized refills, the use of said medication should be re-evaluated on at least an annual basis. Upon the expiration of one (1) year, a prescription becomes invalid, regardless of the number of refills indicated or "prn" designation. Thereafter, a new prescription, if indicated, must be issued.

Every written prescription issued by a physician, bearing more than one non-controlled medication, shall clearly indicate the intended refill instructions for each medication. Lack of clearly indicated refill instructions prohibit the refilling of the medications. All unused lines on a multi-line prescription blank shall be clearly voided by the issuing physician.

6. A prescription shall no longer be valid after the occurrence of any one of the following events:
  - a. Thirty (30) days after the death of the issuing physician.
  - b. Thirty (30) days after the issuing physician has moved or otherwise changed the location of his or her practice so as to terminate the doctor/patient relationship. Termination of the doctor/patient relationship results when a patient is no longer able to seek personal consultation or treatment from the issuing physician.
  - c. Insofar as controlled substances are concerned, immediately after loss of DEA Controlled Substances Privilege by the issuing physician.
  - d. Immediately after revocation, suspension or surrender of the physician's license.

Amended May 15, 2008.

**FILED**  
MAY 16 2008  
MISSISSIPPI  
SECRETARY OF STATE

**COPY**

NOTICE OF PROPOSED RULE ADOPTION

STATE OF MISSISSIPPI  
Mississippi State Board of Medical Licensure

Mississippi State Board of Medical  
Licensure  
c/o Rhonda Freeman  
1867 Crane Ridge Drive, Suite 200-B  
Jackson, MS 39216

(601) 987-0223  
rhonda@msbml.state.ms.us

Specific Legal Authority authorizing the promulgation of  
Rule: (Insert citation to state or federal statute, or  
rule Section 73-43-11)

Reference to Rules repealed, amended or suspended by the  
Proposed Rule : ( Insert citation to specific rule(s) repealed,  
amended or suspended Chapter 11 The Practice of Physician  
Assistants )

Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule: (Insert here)  
This amendment would allow the Board to mail notices of renewals to physician assistants instead of applications of renewal.

This rule is proposed as a  Final Rule, and/or a  Temporary Rule (Check one or both boxers as applicable.)

Persons may present their views on the proposed rule by addressing written comments to the agency at the above address. Persons making comments should include their name and address, as well as other contact information, and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

Oral Proceeding: Check one box below:

An oral proceeding is scheduled on this rule on Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Place: \_\_\_\_\_

If you wish to be heard and present evidence at the oral proceeding you must make a written request to the agency at the above address at least \_\_\_\_\_ day(s) prior to the proceeding to be placed on the agenda. The request should include your name, address, telephone number as well as other contact information; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

An oral proceeding is not scheduled on this rule. Where an oral proceeding is not scheduled, an oral proceeding will be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address and telephone number of the person(s) making the request; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

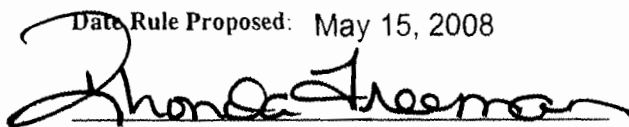
Economic Impact Statement: Check one box below:

- The agency has determined that an economic impact statement is not required for this rule, or  
 The concise summary of the economic impact statement required is attached.

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Date Rule Proposed: May 15, 2008

Proposed Effective Date of Rule: 30 days from final filing.

  
Signature and Title of Person Submitting Rule for Filing  
Rhonda Freeman, Bureau Director

SOS FORM APA 001  
Effective Date 07/29/2005

TELEPHONE: (601) 987-3079



FAX: (601) 987-4159

## MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

TO: Mississippi Secretary of State

From: Mississippi State Board of Medical Licensure

Date: May 16, 2008

Subject: Notice of Proposed Rule Adoption

Mississippi Code §73-43-11 gives the Mississippi State Board of Medical Licensure the authority to promulgate and publish reasonable rules and regulations necessary to enable it to discharge its functions and to enforce the provisions of law regulating the practice of medicine and the conduct of physicians.

This amendment will allow the Board to mail notices of renewal to physician assistants instead of applications of renewal.

Any comments concerning the proposed regulation may be sent to the following address:

Mississippi State Board of Medical Licensure  
1867 Crane Ridge Drive, Suite 200-B  
Jackson, MS 39216

## Chapter 11 The Practice of Physician Assistants

### Renewal Schedule

- 1400 The license of every person licensed to practice as a physician assistant in the state of Mississippi shall be renewed annually.
- 1401 On or before May 1 of each year, the State Board of Medical Licensure shall mail ~~an application for~~ a notice of renewal of license to every physician assistant to whom a license was issued or renewed during the current licensing year. The notice shall provide instructions for obtaining and submitting applications for renewal. The applicant shall obtain and complete the application and return submit it to the Board in the manner prescribed by the Board in the notice before June 30 ~~and with~~ documentation of completing each year 50 hours of CME and the renewal fee of an amount established by the Board. The payment of the annual license renewal fee shall be optional with all physician assistants over the age of seventy (70) years. Upon receipt of the application and fee, the Board shall verify the accuracy of the application and issue to applicant a certificate of renewal for the ensuing year, beginning July 1 and expiring June 30 of the succeeding calendar year.
- 1402 A physician assistant practicing in Mississippi who allows his or her license to lapse by failing to renew the license as provided in Section 1401 may be reinstated by the Board on satisfactory explanation for such failure to renew, by completion of a reinstatement form, and upon payment of the renewal fee for the current year, and shall be assessed a fine of Twenty-five Dollars (\$25.00) plus an additional fine of Five Dollars (\$5.00) for each month thereafter that the license renewal remains delinquent.
- 1403 Any physician assistant not practicing in Mississippi who allows his or her license to lapse by failing to renew the license as provided in Section 1401 may be reinstated by the Board on satisfactory explanation for such failure to renew, by completion of a reinstatement form, and upon payment of the arrearage for the previous five (5) years and the renewal fee for the current year.
- 1404 Any physician assistant who allows his or her license to lapse shall be notified by the Board within thirty (30) days of such lapse.
- 1405 Any person practicing as a physician assistant during the time his or her license has lapsed shall be considered an illegal practitioner and shall be subject to the same penalties as provided in Mississippi Code, Section 73-25-14.

**FILED**  
MAY 16 2008

**MISSISSIPPI  
SECRETARY OF STATE**

**NOTICE OF PROPOSED RULE ADOPTION**

**STATE OF MISSISSIPPI**

Mississippi State Board of Medical Licensure

**COPY**

Mississippi State Board of Medical  
Licensure  
c/o Rhonda Freeman  
1867 Crane Ridge Drive, Suite 200-B  
Jackson, MS 39216

(601) 987-3079  
rhonda@msbml.state.ms.us

**Specific Legal Authority authorizing the promulgation of Rule:** (Insert citation to state or federal statute, or rule Section 73-43-11)

**Reference to Rules repealed, amended or suspended by the Proposed Rule :** ( Insert citation to specific rule(s) repealed, amended or suspended Chapter 12 The Practice of Radiologist Assistants )

**Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule:** (Insert here )  
This amendment would allow the Board to mail notices of renewal to radiologist assistants instead of applications of renewal.

This rule is proposed as a  Final Rule, and/or a  Temporary Rule (Check one or both boxers as applicable.)

Persons may present their views on the proposed rule by addressing written comments to the agency at the above address. Persons making comments should include their name and address, as well as other contact information, and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

**Oral Proceeding:** Check one box below:

An oral proceeding is scheduled on this rule on Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Place: \_\_\_\_\_

If you wish to be heard and present evidence at the oral proceeding you must make a written request to the agency at the above address at least \_\_\_\_\_ day(s) prior to the proceeding to be placed on the agenda. The request should include your name, address, telephone number as well as other contact information; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

An oral proceeding is not scheduled on this rule. Where an oral proceeding is not scheduled, an oral proceeding will be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address and telephone number of the person(s) making the request; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

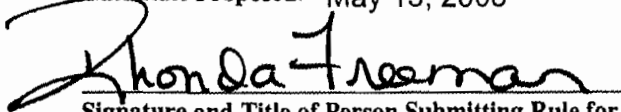
**Economic Impact Statement:** Check one box below:

- The agency has determined that an economic impact statement is not required for this rule, or
- The concise summary of the economic impact statement required is attached.

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Date Rule Proposed: May 15, 2008

Proposed Effective Date of Rule: 30 days from final filing.



Signature and Title of Person Submitting Rule for Filing

Rhonda Freeman, Bureau Director

TELEPHONE: (601) 987-3079



FAX: (601) 987-4159

## MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

TO: Mississippi Secretary of State

From: Mississippi State Board of Medical Licensure

Date: May 16, 2008

Subject: Notice of Proposed Rule Adoption

Mississippi Code §73-43-11 gives the Mississippi State Board of Medical Licensure the authority to promulgate and publish reasonable rules and regulations necessary to enable it to discharge its functions and to enforce the provisions of law regulating the practice of medicine and the conduct of physicians.

This amendment will allow the Board to mail notices of renewal to radiologist assistants instead of applications of renewal.

Any comments concerning the proposed regulation may be sent to the following address:

Mississippi State Board of Medical Licensure  
1867 Crane Ridge Drive, Suite 200-B  
Jackson, MS 39216



## Chapter 12 The Practice of Radiologist Assistants

### Renewal Schedule

- 1100 The license of every person licensed to practice as a radiologist assistant in the state of Mississippi shall be renewed annually.
- 1101 On or before May 1 of each year, the State Board of Medical Licensure shall mail ~~an application for~~ a notice of renewal of license to every radiologist assistant to whom a license was issued or renewed during the current licensing year. The notice shall provide instructions for obtaining and submitting applications for renewal. The applicant shall obtain and complete the application and return submit it to the Board in the manner prescribed by the Board in the notice before June 30 ~~and~~ with the renewal fee of an amount established by the Board. The payment of the annual license renewal fee shall be optional with all radiologist assistants over the age of seventy (70) years. Upon receipt of the application and fee, the Board shall verify the accuracy of the application and issue to applicant a certificate of renewal for the ensuing year, beginning July 1 and expiring June 30 of the succeeding calendar year. Such renewal shall render the holder thereof a licensed radiologist assistant as stated on the renewal form.
- 1102 A radiologist assistant practicing in Mississippi who allows his or her license to lapse by failing to renew the license as provided in Section 901 may be reinstated by the Board on satisfactory explanation for such failure to renew, by completion of a reinstatement form, and upon payment of the renewal fee for the current year, and shall be assessed a fine of Twenty-five Dollars (\$25.00) plus an additional fine of Five Dollars (\$5.00) for each month thereafter that the license renewal remains delinquent.
- 1103 Any radiologist assistant not practicing in Mississippi who allows his or her license to lapse by failing to renew the license as provided in Section 901 may be reinstated by the Board on satisfactory explanation for such failure to renew, by completion of a reinstatement form, and upon payment of the arrearage for the previous five (5) years and the renewal fee for the current year.
- 1104 Any radiologist assistant who allows his or her license to lapse shall be notified by the Board within thirty (30) days of such lapse.
- 1105 Any person practicing as a radiologist assistant during the time his or her license has lapsed shall be considered an illegal practitioner and shall be subject to the same penalties as provided at Mississippi Code, Section 73-25-14.

JUNE 2008

**MINUTES  
SPECIAL EXECUTIVE COMMITTEE MEETING  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
JUNE 6, 2008**

**MEMBERS PRESENT:**

Philip T. Merideth, M.D., J.D., Jackson, President  
Don A. Gibson, M.D., Richland, Vice President  
William S. Mayo, D.O., Oxford, Secretary

**ALSO PRESENT:**

H. Vann Craig, M.D., Director  
Pamela Ratliff, Complaint Counsel for the Board  
Ellen O'Neal, Assistant Attorney General  
Rhonda Freeman, Bureau Director, Licensure Division  
Thomas Washington, Bureau Director, Investigative Division  
Frances Scott, Special Projects Officer, Investigative Division  
Sherry Harris, Staff Office

The Executive Committee of the Mississippi State Board of Medical Licensure met on Friday, June 6, 2008, at 1:00 p.m. in the Executive Conference Room of the Office of the Board located at 1867 Crane Ridge Drive, Jackson, Mississippi.

Dr. Merideth addressed the Executive Committee and advised that since his term expires on June 30, 2008, he wished to appoint a Nominating Committee. Dr. Merideth appointed Dr. Gibson, Dr. Mayo and Dr. Conerly to serve on the Nominating Committee and requested that they provide the Board with a list of candidates to serve as officers of the Board from July 1, 2008, to June 30, 2009.

Dr. Merideth welcomed Linda McMullen, Deputy Director and General Counsel, of the Mississippi State Medical Association to the meeting.

**STEVEN T. HAYNE, M.D., BRANDON, MISSISSIPPI MEDICAL LICENSE NUMBER  
10600**

Dr. Hayne joined the meeting and was represented by legal counsel, Dale Danks, Merrida Coxwell, and Michael Cory. Dr. Hayne had executed a written agreement for this informal meeting, a copy of which is attached hereto and incorporated by reference.

**SPECIAL EXECUTIVE COMMITTEE MINUTES**

**June 6, 2008**

**Page 2**

After introductions, Dr. Merideth thanked Dr. Hayne and his attorneys for appearing before a special meeting of the Executive Committee to discuss concerns that the Board has after receiving a complaint filed by the Innocence Project.

Dr. Craig and members of the Executive Committee questioned Dr. Hayne about concerns they had after reading the complaint.

Mr. Danks requested a recess to allow time to discuss the issues with the other attorneys and Dr. Hayne.

**THE EXECUTIVE COMMITTEE RECESSED AT 2:05 P.M. AND RETURNED AT 2:20 P.M.**

Dr. Hayne addressed the Executive Committee and responded to each of the questions that had been raised. After a brief discussion, the Executive Committee unanimously agreed that more time is needed to review all the material and further investigate the complaint. The Executive Committee agreed to address this matter further at the July 9, 2008, Executive Committee meeting.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 4:10 p.m.

  
\_\_\_\_\_  
**PHILIP T. MERIDETH, M.D., J.D.**  
**President**

Minutes taken and transcribed  
by Sherry Harris  
Staff Officer  
June 6, 2008

**AGREEMENT TO APPEAR INFORMALLY BEFORE EXECUTIVE COMMITTEE**

I, **Steven T. Hayne, M.D.**, have been requested and have agreed to appear informally before the Executive Committee of the Mississippi State Board of Medical Licensure (hereinafter "Board") to discuss allegations contained in the written complaint received by the Board from the Innocence Project and the investigation thereof raising possible grounds for disciplinary hearing. 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:

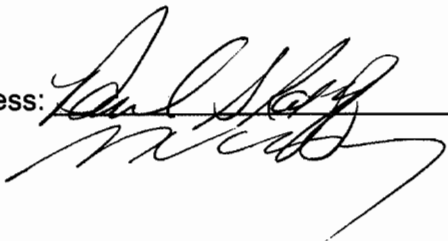
1. During the meeting, the Executive Committee may or may not be represented by legal counsel. Notwithstanding, I understand that I have a right, if I so choose, to employ legal counsel and have counsel present during the informal meeting.
2. I authorize the Committee Members to review and examine any statements, documentary evidence, or materials concerning the possible grounds for denial of licensure 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 show cause 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: Dale Danks  
Meridue Coxwell  
Michael Gray)

without legal counsel present

**EXECUTED**, this the 6<sup>th</sup> day of June, 2008.

Witness:



  
\_\_\_\_\_  
**STEVEN T. HAYNE, M.D.**

JULY 2008

UNIVERSITY

**MINUTES  
EXECUTIVE COMMITTEE MEETING  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
JULY 09, 2008**

**MEMBERS PRESENT:**

Don A. Gibson, M.D., Richland, President  
William S. Mayo, D.O., Oxford, Vice President  
Virginia M. Crawford, M.D., Hattiesburg, Secretary

**ALSO PRESENT:**

H. Vann Craig, M.D., Director  
Stan T. Ingram, Complaint Counsel for the Board  
Ellen O'Neal, Assistant Attorney General  
Rhonda Freeman, Bureau Director, Licensure Division  
Thomas Washington, Bureau Director, Investigative Division  
Frances Scott, Special Projects Officer, Investigative Division  
Sherry Harris, Staff Officer

The Executive Committee of the Mississippi State Board of Medical Licensure met on Wednesday, July 09, 2008, at 1:10 p.m. in the Executive Conference Room of the Office of the Board located at 1867 Crane Ridge Drive, Jackson, Mississippi.

Dr. Craig advised the Executive Committee that he had two (2) items that were not on the agenda that he wished to discuss. Dr. Craig advised that at the May 14, 2008, Executive Committee meeting it was determined that the Board invite Charlie Spearman, Sr., Executive Director of Region IV Mental Health, to the July Board meeting to make a presentation concerning his request for an application that would be appropriate for a foreign medical graduate to become licensed to practice in Mississippi with a limited institutional license. Dr. Craig advised that he had discussed the matter with Ed LeGrand, Director of the Department of Mental Health, and that Mr. LeGrand advised that the request would require legislation which he would not support.

Dr. Craig advised that he had received a letter from Charles Moreau, M.D., of LaJolla, CA, dated July 1, 2008. Dr. Moreau is a physician in psychiatric private practice. Dr. Moreau has a military patient in psychoanalysis that will be residing temporarily in Mississippi for six (6) to eight (8) months. Dr. Moreau was requesting permission to continue the psychoanalysis via the telephone or an internet-based live communication while the patient is in Mississippi. After a brief discussion, the Executive Committee unanimously agreed that the scenario described falls under our telemedicine regulation and Dr. Moreau would not need to obtain a Mississippi medical license to continue the psychoanalysis.

**EXECUTIVE COMMITTEE MINUTES**

**July 09, 2008**

**Page 2**

**CHARLES STROUD KNIGHT, M.D., JACKSON, APPLICANT FOR REINSTATEMENT**

Dr. Craig advised that he had initially invited Dr. Knight to address the Executive Committee concerning a possible non-reportable Letter of Understanding, but in the last couple of weeks the Board had been made aware of additional problems with Dr. Knight. Dr. Craig advised that information had been provided that Dr. Knight performed a procedure on an infant while he was at River Oaks Hospital having an x-ray read. After a brief discussion, motion was made by Dr. Mayo, seconded by Dr. V. Crawford, and carried unanimously that Dr. Knight be advised to surrender his license and withdraw his reinstatement application.

**NEIL BURTON SLOAN, M.D., CORINTH, MISSISSIPPI MEDICAL LICENSE NUMBER 19029**

Dr. Craig advised that Dr. Sloan appeared for a hearing at the Board's March 27, 2008, meeting and was under a Consent Order. Dr. Craig advised that it appears that our Consent Order was not explicit enough to handle prescriptive issues. Mickey Boyette, Board Investigator, joined the meeting and discussed Dr. Sloan's pharmacy reports for April and May. Mr. Boyette advised that Dr. Sloan has changed from prescribing Schedule II's and III's to Schedule IV's and V's. After a brief discussion, the Executive Committee unanimously decided that a visit be made to Dr. Sloan to check the items listed in the March Consent Order for adherence and report at the September meeting.

**WERNER SCOTT HADDON, M.D., RALEIGH, NC, MISSISSIPPI MEDICAL LICENSE NUMBER 15080**

Dr. Craig advised that Dr. Haddon had appeared before the Executive Committee in May of 2007, and that he did not renew his Mississippi medical license during the 2007 renewal period. Dr. Craig advised the Executive Committee that the Board has recently received information that North Carolina has indefinitely suspended his North Carolina medical license, and that Dr. Haddon was recently arrested facing charges of assault and battery with intent to kill, kidnapping and burglary. After a brief discussion, motion was made by Dr. Mayo, seconded by Dr. Gibson, and carried unanimously that the Board ask Dr. Haddon to surrender his Mississippi medical license.



**EXECUTIVE COMMITTEE MINUTES**

July 09, 2008

Page 3

**RADWAN RAFIK KHURI, M.D., BATESVILLE, MISSISSIPPI MEDICAL LICENSE  
NUMBER 14657**

Dr. Craig covered information the Board had received from North Carolina placing restrictions of Dr. Khuri's license. Dr. Khuri has a valid Mississippi medical license. The Physician's Tracking System shows that Dr. Khuri currently has a primary practice in Batesville, MS, and a mailing address in Memphis, TN. North Carolina's Consent Order indicates that Dr. Khuri was serving as the primary supervising physician for several North Carolina nurse practitioners while he lives in Memphis, TN. This also does not comply with our Board's rules and regulations for supervising physicians. After a brief discussion, the Executive Committee unanimously agreed to have Ms. Ruby Litton, RN, Board Compliance Nurse, visit Dr. Khuri to ensure he is complying with the Board's rules and regulations and to verify his primary practice location.

**STACIE LYNNE RIVERS, M.D., LAS VEGAS, NV, MISSISSIPPI MEDICAL LICENSE  
NUMBER 17309**

Dr. Craig briefly discussed the administrative only license issued by New Mexico to Dr. Rivers. Dr. Rivers currently holds a valid Mississippi medical license but we do not have a license designated for administration only. After a brief discussion, the Executive Committee unanimously agreed that there was no action needed by the Board at this time.

**SANDEEP MELLACHERUVU, M.D., JACKSON, MISSISSIPPI MEDICAL LICENSE  
NUMBER 19870**

Charles Ware, Board Investigator, presented to the Executive Committee those facts necessary to make a determination of reasonable cause pursuant to Miss Code Ann. 73-25-28, to inspect records of Dr. Mellacheruvu. After a brief discussion and questioning Mr. Ware, the Executive Committee unanimously agreed that reasonable cause did exist and made the decision to allow Mr. Ware approval to obtain and copy records necessary for the investigation from the University of Mississippi Medical Center and North Mississippi Medical Center.

**DONALD P. AUZINE, II, M.D., GONZALES, LA, MISSISSIPPI MEDICAL LICENSE  
NUMBER 19945**

Dr. Craig advised that the Board had received information that Dr. Auzine had pled guilty before the United States District Court, Middle District of Louisiana to the unlawful dispensing of controlled substances. Dr. Craig advised that the Board had sent Dr. Auzine a letter and a proposed Surrender to review and sign in lieu of an

**EXECUTIVE COMMITTEE MINUTES**

**July 09, 2008**

**Page 4**

evidentiary hearing before the Board. Dr. Craig stated that at this time the Board has only received a faxed signature and awaiting the originals. Motion was made by Dr. Mayo, seconded by Dr. V. Crawford, and carried unanimously to accept Dr. Auzine's Surrender of Mississippi medical license. A copy of Dr. Auzine's Surrender is attached hereto and incorporated by reference.

**MARIA CARMEN PALAZZO, M.D., NEW ORLEANS, LA, MISSISSIPPI MEDICAL LICENSE NUMBER 14695, SURRENDER OF MEDICAL LICENSE**

Dr. Craig advised that the Board had sent Maria Carmen Palazzo, M.D., a letter and a proposed Surrender to review and sign in lieu of an evidentiary hearing before the Board after information was received that Dr. Palazzo was found guilty of thirty-nine (39) counts of Healthcare Fraud in the United States District Court, Eastern District of Louisiana, New Orleans, LA. Dr. Palazzo signed the Surrender and returned it to the Board for approval. Motion was made by Dr. Mayo, seconded by Dr. V. Crawford, and carried unanimously to accept Dr. Palazzo's Surrender. A copy of Dr. Palazzo's Surrender is attached hereto and incorporated by reference.

**BILLY RAY SHOWS, M.D., NEWTON, MISSISSIPPI MEDICAL LICENSE NUMBER 06247, CONSENT ORDER**

Dr. Craig advised that in December 2007, Dr. Shows was found guilty of conspiracy to defraud the United States and federal income tax evasions for three (3) years. Dr. Craig advised that a proposed Consent Order indefinitely suspending Dr. Shows' Mississippi medical license was sent to him for review. To avoid a hearing before the Board, Dr. Shows' returned the signed Consent Order indefinitely suspending his Mississippi medical license. After a brief discussion, motion was made by Dr. Mayo, seconded by Dr. V. Crawford, and carried unanimously to accept Dr. Shows' Consent Order. A copy of Dr. Shows' Consent Order indefinitely suspending his Mississippi medical license is attached hereto and incorporated by reference.

**THOMAS THANH TRIEU, D.O., BILOXI, MISSISSIPPI MEDICAL LICENSE NUMBER 15594, SURRENDER OF MEDICAL LICENSE**

**THU-HOA VICTORIA VAN, M.D., BILOXI, MISSISSIPPI MEDICAL LICENSE NUMBER 17719, SURRENDER OF MEDICAL LICENSE**

Dr. Craig advised that Dr. Trieu and Dr. Van are husband and wife and had a private practice in Biloxi. Dr. Craig advised that both physicians were indicted for conspiracy to distribute and dispense controlled substances outside the scope of professional practice. Dr. Craig advised that the Board has a signed Surrender of Mississippi medical license from Dr. Trieu and Dr. Van. Motion was made by Dr. Mayo,

## **EXECUTIVE COMMITTEE MINUTES**

**July 09, 2008**

**Page 5**

seconded by Dr. V. Crawford, and carried unanimously to accept the Surrender for Dr. Trieu and Dr. Van. A copy of both Surrenders are attached hereto and incorporated by reference.

### **LAUREL A. TAIT, D.P.M. APPLICANT, OXFORD**

Dr. Craig discussed an email from B.T. "Tip" Sullivan, D.P.M., President of the Mississippi Podiatric Medical Association, as well as a letter from Dr. Tait concerning her licensure application. Dr. Craig advised that Dr. Tait has practiced podiatry for twenty (20) years; however, she was denied licensure in Mississippi due to the Board's requirement of a one (1) year post graduate residency in podiatry. After a brief discussion, motion was made by Dr. V. Crawford, seconded by Dr. Mayo, and carried unanimously to refer the matter to the Podiatry Advisory Committee for further evaluation and additional information.

### **UPDATE CONCERNING HOSPICE IN TUPELO, MS**

At the May 14, 2008, Executive Committee meeting Ellen O'Neal, Assistant Attorney General, had been requested to express to the Attorney General the Board's concern for their lack of communication and requesting the Board's involvement relative to the hospice situation in Tupelo, MS. Ms. O'Neal advised that she had discussed the matter with the Attorney General and advised him of the Board's concerns.

### **PERSONAL APPEARANCE BY JOHN PAUL WHITE, M.D., TUPELO, MISSISSIPPI MEDICAL LICENSE NUMBER 11436**

Dr. White joined the meeting and was represented by legal counsel, Jeff Moore and Clint Guenther. Dr. White had executed a written agreement for this informal meeting, a copy of which is attached hereto and incorporated by reference.

Dr. Craig advised that Dr. White is the medical director of the Sanctuary Hospice House in Tupelo. Dr. White had been invited to address the Executive Committee after the Board received information that he had pled guilty in state court to one (1) felony count of cyber stalking and six (6) misdemeanor counts of aiding and abetting a nurse in the practice of medicine without a license.

Dr. White addressed the Executive Committee and summarized all of the events leading up to his guilty plea. Dr. White advised the Board that he has resigned as director of Sanctuary Hospice and would continue with his private practice.

**EXECUTIVE COMMITTEE MINUTES**

**July 09, 2008**

**Page 6**

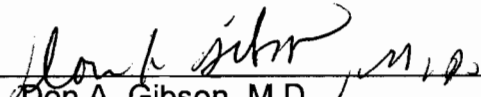
After a brief discussion, the Executive Committee thanked Dr. White for making an appearance and answering questions. The Executive Committee advised Dr. White that his matter is under advisement.

**REVIEW OF JULY 10, 2008, BOARD AGENDA**

Dr. Craig briefly reviewed the agenda for tomorrow's meeting.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 3:50 p.m.

  
\_\_\_\_\_  
Don A. Gibson, M.D.  
President

Minutes taken and transcribed  
by Sherry Harris  
Staff Officer  
July 09, 2008

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

**OF**

**DONALD P. AUZINE, II, M.D.**

**SURRENDER OF MEDICAL LICENSE**

**WHEREAS**, DONALD P. AUZINE, M.D., hereinafter referred to as "Licensee," is the current holder of Medical License Number 19945, issued September 10, 2007, to practice medicine in the State of Mississippi;

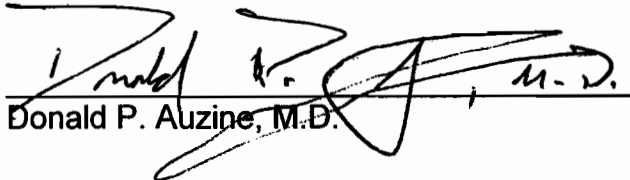
**WHEREAS**, on May 5, 2008, Licensee pled guilty before the United States District Court, Middle District of Louisiana (Criminal Cause Number: 08-59), to a Bill of Information charging him with the unlawful dispensing of controlled substances;

**WHEREAS**, such conduct, if established in a due process hearing before the Board, would constitute conviction of a felony or misdemeanor involving moral turpitude, a certified copy of the conviction order or judgment rendered by the trial court being prima facie evidence thereof, and unprofessional, dishonorable or unethical conduct likely to harm the public; all in violation of Miss. Code Ann., Subsections (3), (4), (6) and (8)(d) of §73-25-29 and Section 73-25-83(a), being grounds for which the Mississippi State Board of Medical Licensure may place Licensee's medical license on probation, the terms of which may be set by the Board, suspend his right to practice for a time deemed proper by the Board, revoke said license, or take any other action in relation to said license as the Board may deem proper under the circumstances;

**WHEREAS**, Licensee wishes to avoid an evidentiary hearing before the Board by voluntarily relinquishing his right to practice medicine in the State of Mississippi;

**NOW, THEREFORE**, Licensee hereby voluntarily surrenders his medical license (Number 19945) to practice medicine in the State of Mississippi. Licensee understands that this is an unconditional surrender, is reportable as disciplinary action to the National Practitioner Data Bank, and is a public record of the State of Mississippi. In the event Licensee later decides to practice medicine in the State of Mississippi, it will be necessary for him to submit a new application with the Board. At such time, the Board reserves the right to utilize all evidence, including all facts developed during the current investigation, as part of the consideration of any application.

EXECUTED this the 21<sup>ST</sup> day of JUNE, 2008.

  
Donald P. Auzine, M.D.

ACCEPTED AND APPROVED this the 10<sup>th</sup> day of July, 2008, by the  
Mississippi State Board of Medical Licensure.

  
President  
Mississippi State Board of Medical Licensure

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

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

**OF**

**MARIA CARMEN PALAZZO, M.D.**

**SURRENDER OF MEDICAL LICENSE**

**WHEREAS**, MARIA CARMEN PALAZZO, M.D., hereinafter referred to as "Licensee," is the current holder of Medical License Number 14691, issued January 22, 1996, to practice medicine in the State of Mississippi;

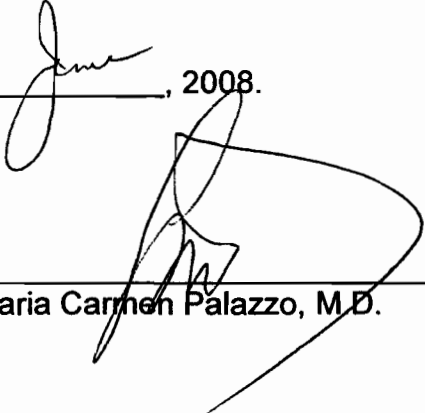
**WHEREAS**, on April 16, 2008, Licensee was found guilty of thirty-nine (39) counts of Healthcare Fraud in the United States District Court, Eastern District of Louisiana, New Orleans, Louisiana.

**WHEREAS**, such conduct, if established in a due process hearing before the Board, would constitute conviction of a felony or misdemeanor involving moral turpitude, and unprofessional, dishonorable or unethical conduct likely to harm the public; all in violation of Miss. Code Ann. §73-25-29(6) and §73-25-29(8)(d), being grounds for which the Mississippi State Board of Medical Licensure may place Licensee's medical license on probation, the terms of which may be set by the Board, suspend her right to practice for a time deemed proper by the Board, revoke said license, or take any other action in relation to said license as the Board may deem proper under the circumstances;

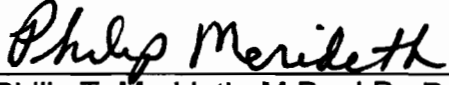
**WHEREAS**, Licensee wishes to avoid an evidentiary hearing before the Board by voluntarily relinquishing her right to practice medicine in the State of Mississippi;

**NOW, THEREFORE,** Licensee hereby voluntarily surrenders her medical license (Number 14691) to practice medicine in the State of Mississippi. Licensee understands that this is an unconditional surrender, is reportable as disciplinary action to the National Practitioner Data Bank, and is a public record of the State of Mississippi. In the event Licensee later decides to practice medicine in the State of Mississippi, it will be necessary for her to submit a new application with the Board. At such time, the Board reserves the right to utilize all evidence, including all facts developed during the current investigation, as part of the consideration of any application.

EXECUTED this the 12<sup>th</sup> day of June, 2008.

  
\_\_\_\_\_  
Maria Carmen Palazzo, M.D.

ACCEPTED AND APPROVED this the 10<sup>th</sup> day of July, 2008, by  
the Mississippi State Board of Medical Licensure.

  
\_\_\_\_\_  
Philip T. Merideth, M.D., J.D., President  
Mississippi State Board of Medical Licensure



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

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

**OF**

**BILLY RAY SHOWS, M.D.**

**CONSENT ORDER**

**WHEREAS**, BILLY RAY SHOWS, M.D., hereinafter referred to as "Licensee" is the current holder of License No. 06247, issued June 1971, for the practice of medicine in the State of Mississippi;

**WHEREAS**, on or about December 12, 2007, Licensee was found guilty in U. S. District Court for the Southern District of Mississippi, Eastern Division (Case Number 4:05-cr-00028), of Count One (1) of the indictment for the offense "Conspiracy to Defraud the United States," in violation of 18 U.S.C. § 371 and Counts Two (2) through Four (4) for the offense of "Attempt to Evade or Defeat Tax" as the result of federal income tax evasion for the years 1999, 2000 and 2001, in violation of 26 U.S.C. § 7201. Based on said judgment of guilt, on March 7, 2008, the U.S. District Court for the Southern District of Mississippi sentenced Licensee to a term of twenty-seven (27) months of imprisonment in the federal prison system, followed by three (3) years of supervised release. Licensee was ordered to pay costs of prosecution and \$50,000 in restitution;

**WHEREAS**, pursuant to Subsections (6) and (8)(d) of Section 73-25-29 and Section 73-25-83(a), Mississippi Code (1972) Annotated, the aforementioned constitutes conviction of a felony or misdemeanor involving moral turpitude, a certified copy of the conviction order or judgment rendered by the trial court being prima facie evidence thereof, grounds for which the Mississippi State Board of Medical Licensure may revoke the Mississippi medical license of Licensee, suspend his right to practice for a time deemed proper by the

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

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

**NOW, THEREFORE**, the Mississippi State Board of Medical Licensure, with consent of Licensee as signified by his joinder herein, does hereby indefinitely suspend Licensee's certificate to practice medicine in the State of Mississippi effective from the day of acceptance and approval of this Consent Order.

**IT IS FURTHER ORDERED**, that Licensee shall during each year of his incarceration obtain through correspondence at least fifty (50) hours of Category 1 Continuing Medical Education (CME) approved by the American Medical Association, with emphasis on medical ethics. Following completion of each course, Licensee shall submit to the Board documentary proof of successful completion.

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

1. Licensee shall strictly comply with all of the terms and conditions of his Federal probation.
2. During each year of Federal probation, Licensee shall obtain at least fifty (50) hours of Category 1 Continuing Medical Education (CME) approved by the

American Medical Association, with emphasis on medical ethics. Following completion of each course, Licensee shall submit to the Board documentary proof of successful completion.

3. Licensee shall report in writing to the Mississippi State Board of Medical Licensure within fifteen (15) days should his medical license in any state be subject to investigation or disciplinary action.
4. Licensee's medical practice shall be subject to periodic surveillance and the Board's Director, any member of the Board, or Investigator for the Board may perform a chart review of selected patient files.
5. Pursuant to Miss. Code Ann. Section 73-25-30, Licensee is hereby assessed all costs of this investigation and disciplinary action. Licensee shall be advised of the total assessment by separate written notification. Licensee must have a certified check or money order made payable to the Mississippi State Board of Medical Licensure before reinstatement of his Mississippi medical license.
6. This Consent Order does not address any pending or future criminal charges against Licensee. In the event Licensee pleads guilty to, or is later convicted of any criminal violations, including violations arising out of conduct by Licensee as enumerated in this Consent Order, the Board reserves the right to initiate further disciplinary proceedings based upon said guilty plea or criminal conviction.
7. Licensee shall obey all federal, state and local laws, and all rules and regulations governing the practice of medicine.

8. In the event Licensee fails to comply with any or all of the conditions imposed in this Consent Order, or fails to comply with all of the terms and conditions of his Federal probation, the stay of suspension shall be immediately removed without a hearing and Licensee shall be prohibited from practicing medicine until such time as a determination is made by the Board that Licensee is again ready to return to the practice of medicine. Summary suspension pursuant to this paragraph shall be for an indefinite period of time, notwithstanding any term or right to petition for reinstatement provided herein.
9. In the event Licensee should leave Mississippi to reside or practice outside the State, Licensee shall, ten (10) days prior to departing, notify the Board in writing the dates of departure and return. Periods of residency or practice outside Mississippi will not apply to the reduction of time periods specified in this Consent Order.

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

This Consent Order shall be subject to approval by the Board. If the Board fails to approve this Consent Order, in whole or in part, it shall have no force or effect on the parties. It is further understood and agreed that the purpose of this Consent Order is to avoid a hearing before the Board. In this regard, Licensee authorizes the Board to review and examine any documentary evidence or materials concerning Licensee prior to or in conjunction with its consideration of this Consent Order. Should this Consent Order not be

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

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

Signed this the 5<sup>th</sup> day of June, 2008.

WFA  
Witness

Billy Ray Shows, M.D.  
Billy Ray Shows, M.D.

ACCEPTED AND APPROVED, this the 17<sup>th</sup> day of June, 2008 by the

MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE.

Presented, accepted and approved at Full Board Meeting on July 10, 2008.

Philip Merideth

By: Philip Merideth  
Philip T. Merideth, M.D., J.D.  
President

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

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

**OF**

**THOMAS THANH TRIEU, D.O.**

**SURRENDER OF MEDICAL LICENSE**

**WHEREAS,** THOMAS THANH TRIEU, D.O., hereinafter referred to as "Licensee," is the current holder of License Number 15594 issued on September 15, 1997, to practice medicine in the State of Mississippi;

**WHEREAS,** the Investigative Staff of the Board conducted a comprehensive investigation into the medical practice of Licensee in Biloxi, Mississippi and has documented evidence indicating that Licensee, has been indicted in the United States District Court for the Southern Division of the Southern District of Mississippi, for Conspiracy to Distribute and Dispense Controlled Substances Outside the Scope of Professional Practice, that is, Hydrocodone, a Schedule III narcotic drug controlled substance; Alprazolam, a Schedule IV non-narcotic drug controlled substance; and Promethazine with Codeine, a Schedule V narcotic drug controlled substance, as prohibited by Section 841 (a)(1), Title 21, United States Code, and Section 2, Title 18, United States Code;

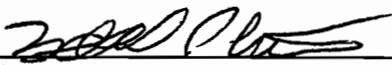
**WHEREAS,** such conduct, if established in a due process hearing before the Board, would constitute conviction of a felony or misdemeanor involving unprofessional, dishonorable or unethical conduct in violation of Miss. Code Ann. §73-25-29(3) being grounds for which the Mississippi State Board of Medical Licensure may place

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

**WHEREAS,** Licensee wishes to avoid an evidentiary hearing before the Board by voluntarily relinquishing his right to practice medicine in the State of Mississippi:

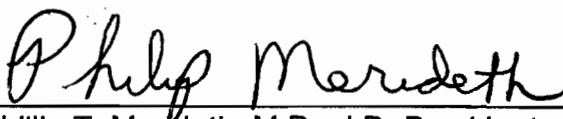
**NOW, THEREFORE,** Licensee hereby voluntarily surrenders his medical license (Number 15594) to practice medicine in the State of Mississippi. Licensee understands that this is an unconditional surrender, is reportable as disciplinary action to the National Practitioner Data Bank, and is a public record of the State of Mississippi. In the event Licensee later decides to practice medicine in the State of Mississippi, it will be necessary for him to submit a new application with the Board. At such time, the Board reserves the right to utilize all evidence, including all facts developed during the current investigation, as part of the consideration of any application.

**EXECUTED** this the 21 day of May, 2008.

  
\_\_\_\_\_  
Witness

  
\_\_\_\_\_  
Thomas Thanh Trieu, D.O.

**ACCEPTED AND APPROVED** this the 22<sup>nd</sup> day of May, 2008, by the Mississippi State Board of Medical Licensure.

  
\_\_\_\_\_  
Phillip T. Merdeth, M.D., J.D, President  
Mississippi State Board of Medical Licensure

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

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

**OF**

**THU-HOA VICTORIA VAN, M.D.**

**SURRENDER OF MEDICAL LICENSE**

**WHEREAS**, THU-HOA VICTORIA VAN, M.D., hereinafter referred to as "Licensee," is the current holder of License Number 17719 issued on July 15, 2002, to practice medicine in the State of Mississippi;

**WHEREAS**, the Investigative Staff of the Board conducted a comprehensive investigation into the medical practice of Licensee in Biloxi, Mississippi and has documented evidence indicating that Licensee, has been indicted in the United States District Court for the Southern Division of the Southern District of Mississippi, for Conspiracy to Distribute and Dispense Controlled Substances Outside the Scope of Professional Practice, that is, Hydrocodone, a Schedule III narcotic drug controlled substance; Alprazolam, a Schedule IV non-narcotic drug controlled substance; and Promethazine with Codeine, a Schedule V narcotic drug controlled substance, as prohibited by Section 841 (a)(1), Title 21, United States Code, and Section 2, Title 18, United States Code;

**WHEREAS**, such conduct, if established in a due process hearing before the Board, would constitute conviction of a felony or misdemeanor involving unprofessional, dishonorable or unethical conduct in violation of Miss. Code Ann. §73-25-29(3) being grounds for which the Mississippi State Board of Medical Licensure may place



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

**WHEREAS**, Licensee wishes to avoid an evidentiary hearing before the Board by voluntarily relinquishing her right to practice medicine in the State of Mississippi:

**NOW, THEREFORE**, Licensee hereby voluntarily surrenders her medical license (Number 17719) to practice medicine in the State of Mississippi. Licensee understands that this is an unconditional surrender, is reportable as disciplinary action to the National Practitioner Data Bank, and is a public record of the State of Mississippi. In the event Licensee later decides to practice medicine in the State of Mississippi, it will be necessary for her to submit a new application with the Board. At such time, the Board reserves the right to utilize all evidence, including all facts developed during the current investigation, as part of the consideration of any application.

**EXECUTED** this the 21<sup>st</sup> day of May, 2008.

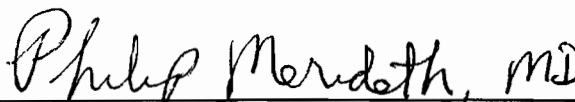


**Witness**



**Thu-Hoa Victoria Van, M.D.**

**ACCEPTED AND APPROVED** this the 22<sup>nd</sup> day of May, 2008, by the Mississippi State Board of Medical Licensure.



**Phillip T. Merideth, M.D., J.D., President  
Mississippi State Board of Medical Licensure**

**AGREEMENT TO APPEAR INFORMALLY BEFORE EXECUTIVE COMMITTEE**

I, John Paul White, 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: CLINT GUENTHER <sup>JEFF</sup> MOORE)  
 without legal counsel present

EXECUTED, this the 9<sup>th</sup> day of JULY, 2008.

John Paul White

Witness:

Sherry Harris

**BOARD MINUTES**  
**MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**  
**JULY 10, 2008**

The regularly scheduled meeting of the Mississippi State Board of Medical Licensure was held on Thursday, July 10, 2008, in the Board Room of the Office of the Board located at 1867 Crane Ridge Drive, Jackson, Mississippi.

The following members were present:

Don A. Gibson, M.D., Richland, President  
William S. Mayo, D.O., Oxford, Vice President  
Virginia M. Crawford, M.D., Hattiesburg, Secretary  
Larry B. Aycock, M.D., McComb  
Dewitt G. Crawford, M.D., Louisville  
S. Randall Easterling, M.D., Vicksburg  
Philip T. Merideth, M.D., J.D., Jackson

Also present::

H. Vann Craig, M.D., Director  
Stan T. Ingram, Complaint Counsel for the Board  
Pamela S. Ratliff, Complaint Counsel for the Board  
Ellen O'Neal, Assistant Attorney General  
Rhonda Freeman, Bureau Director, Licensure Division  
Thomas Washington, Bureau Director, Investigative Division  
Frances Scott, Special Projects Officer, Investigative Division  
Sherry Harris, Staff Officer  
Wesley Breland, Hattiesburg, Consumer Health Committee  
Cecil R. Burnham, Jackson, Consumer Health Committee

Not present:

A. Wallace Conerly, M.D., Jackson  
Martha Thompson, Oxford, Consumer Health Committee

The meeting was called to order at 9:00 a.m. by Dr. Gibson, President. The invocation was given by Dr. Gibson and the pledge was led by Dr. V. Crawford. Dr. Gibson welcomed Ella Hardwick, Court Reporter. Dr. Gibson extended a welcome to all the visitors present at the meeting.

Dr. Gibson opened the floor for public comments. Marla Moore, Past President of the Mississippi Academy of Physician Assistants, introduced their new President, Tristen Harris.

## **BOARD MINUTES**

**July 10, 2008**

**Page 2**

### **APPROVAL OF CERTIFICATION OF MISSISSIPPI LICENSES TO OTHER ENTITIES FOR THE PERIOD MAY 01, 2008, THROUGH JUNE 30, 2008**

One hundred eighty-eight (188) licenses were certified to other entities for the period May 01, 2008, through June 30, 2008. Motion was made by Dr. Mayo, seconded by Dr. Easterling, and carried unanimously to approve these certifications.

### **APPROVAL OF LICENSES ISSUED FOR THE PERIOD MAY 01, 2008, THROUGH JUNE 30, 2008**

Ninety-seven (97) licenses were issued for the period May 01, 2008, through June 30, 2008. Motion was made by Dr. Easterling, seconded by Dr. Mayo, and carried unanimously to approve these licenses.

### **REVIEW OF MINUTES OF THE EXECUTIVE COMMITTEE MEETING DATED MAY 14, 2008, MINUTES OF THE BOARD MEETING DATED MAY 15, 2008, AND MINUTES OF THE SPECIAL EXECUTIVE COMMITTEE MEETING JUNE 6, 2008**

Minutes of the Executive Committee meeting dated May 14, 2008, Minutes of the Board Meeting dated May 15, 2008, and Minutes of the Special Executive Committee meeting dated June 6, 2008, were reviewed. Dr. Mayo moved for approval of the minutes as submitted. Dr. Merideth seconded the motion, and it carried unanimously.

### **REPORT OF JULY 9, 2008, EXECUTIVE COMMITTEE MEETING**

Dr. Craig advised that the Board had lost a member due to his term expiring on June 30, 2008. Dr. Craig read the Resolution for William B. Harper, D.O., for serving as a Board member for nine (9) years and eight (8) months. Dr. Harper served the Board in the capacity of Secretary and Vice President. A copy of the Resolution is attached hereto and incorporated by reference.

Dr. Craig advised that the Executive Committee had accepted a Consent Order indefinitely suspending the license of Billy Ray Shows, M.D., and four (4) voluntary Surrenders of the licenses of: Thomas Thanh Trieu, D.O., Thu-Hoa Victoria Van, M.D., Donald P. Auzine, II, M.D., and Maria Carmen Palazzo, M.D. Information pertaining to the Executive Committee's disciplinary actions are included in the Executive Committee Minutes dated July 9, 2008.

Motion was made by Dr. D. Crawford, seconded by Dr. Aycock, and carried unanimously to ratify the actions of the Executive Committee.

## **BOARD MINUTES**

July 10, 2008

Page 3

### **REPORTS FROM COMMITTEES**

#### **Consumer Health - Mr. Breland (Chair), Ms. Thompson, Mr. Burnham**

Mr. Breland advised that the Consumer Health members had met and discussed information gathered from other states. Almost all of the states have a public member on the actual Board. The Consumer Health Committee understands that this would probably take legislative action to initiate, but they would ask that the Board consider their request.

#### **Education & Workforce - Dr. Conerly (Chair), Dr. D. Crawford, Dr. Mayo**

Dr. Conerly was not present, but Dr. D. Crawford advised there was no new information to report.

#### **Scope of Practice - Dr. V. Crawford (Chair), Dr. Easterling, Dr. Aycock**

Dr. V. Crawford advised that a meeting of the Joint Committee was held on Wednesday, July 9, 2008, and requested that the Board be presented with two (2) proposals. Dr. V. Crawford advised that a draft copy of the Joint Committee's proposal for nurse practitioners to administer Botox injections needed to be discussed. After a brief discussion concerning how the nurse practitioners were to be educated, which Dr. V. Crawford advised that the collaborating physician would handle, and whether or not the physician had to be on the premises, motion was made by Dr. D. Crawford, seconded by Dr. Mayo, and carried unanimously to pass the proposal as Board policy. A copy of the approved policy is attached hereto and incorporated by reference.

Dr. V. Crawford also presented and discussed the proposal of a QA/QI Program Criteria to be jointly promulgated with the Board of Nursing. The Board's rules and regulations concerning collaboration/consultation with nurse practitioners will need to be amended to include the proposal. After a brief discussion, motion was made by Dr. Easterling, seconded by Dr. Mayo, and carried unanimously of the Board's intent to adopt the proposed amendment accepting the QA/QI Program Criteria. A copy of the proposed amendment is attached hereto and incorporated by reference. The proposed amendment of the regulation will be filed with the Secretary of State under the Administrative Procedures Act.

#### **Professional Health Program - Dr. Gibson (Chair), Dr. Mayo**

Dr. Gibson advised there was no new information to report.

## **BOARD MINUTES**

**July 10, 2008**

**Page 4**

### **Rules, Regulation & Legislative - Dr. Easterling (Chair), Dr. D. Crawford**

Dr. Easterling advised that two (2) proposed policies concerning the Ending the Physician / Patient Relationship and the Closing of a Physician's Practice had been distributed. Dr. Easterling requested that each Board member review and the matter will be addressed later in the meeting.

### **Ethics - Dr. V. Crawford, Dr. Conerly**

Dr. V. Crawford advised there was no new information to report.

### **Electronic Medical Records - Dr. Aycock (Chair), Dr. V. Crawford, Dr. Mayo**

Dr. Aycock advised there was no new information to report.

### **PRESENTATION/REQUEST BY MART MCMULLAN, M.D., SENIOR ADVISOR TO VICE CHANCELLOR FOR HEALTH AFFAIRS, UNIVERSITY MEDICAL CENTER**

Dr. Mart McMullan, Senior Advisor to Vice Chancellor for Health Affairs at UMC, addressed the Board and presented information concerning UMC starting a pediatric cardiovascular program. Dr. McMullan advised that UMC will be affiliated with Children's National Medical Center, in Washington, DC. Richard Jonas, M.D., is the senior surgeon at Children's National and Dr. McMullan advised that since he is a FMG he does not have the necessary post graduate training for a Mississippi medical license and requested assistance from the Board. Dr. McMullan provided a list of additional physicians that have applied for a Mississippi license that will be affiliated with the program and requested assistance in getting their licenses approved as soon as possible in order to not delay the process.

After a brief discussion, motion was made by Dr. D. Crawford, seconded by Dr. Merideth, and carried unanimously that the Board go into Executive Session to discuss a licensure matter which could result in the issuance of an appealable order by the Board.

Upon a motion made by Dr. Aycock, seconded by Dr. V. Crawford, and carried unanimously, the Board came out of Executive Session. Dr. Gibson asked Dr. Mayo to report on the Board's decision. Dr. Mayo advised that the Board had unanimously agreed to instruct Dr. Craig to investigate the matters and report back to the Executive Committee for action.

## **BOARD MINUTES**

**July 10, 2008**

**Page 5**

### **MICHAEL MURPHY, D.O., HATTIESBURG, APPLICANT, REQUEST FOR WAIVER**

Dr. Craig advised that a letter had been received from Dr. Murphy concerning a Mississippi medical license. Dr. Craig advised that Dr. Murphy will be the Dean of William Carey's College of Osteopathic Medicine that will open this fall. Dr. Craig advised that Dr. Murphy took his state examination in Arizona in 1978, and that our rules and regulations allow endorsement of state examinations prior to March 1973.

After a brief discussion, motion made by Dr. Easterling, seconded by Dr. Mayo, and carried unanimously that the Board go into Executive Session to discuss a licensure matter which could result in the issuance of an appealable order by the Board.

Upon a motion by Dr. D. Crawford, seconded by Dr. Aycock, and carried unanimously, the Board came out of Executive Session. Dr. Gibson asked Dr. Mayo to report on the Board's decision. Dr. Mayo advised that the Board had unanimously agreed to refer the matter to the Executive Director for further study and report to the Executive Committee.

### **ELECTION OF BOARD OFFICERS**

Dr. Mayo advised that at the last Board meeting the governor had not appointed/reappointed new members to serve on the Board. At the Special Executive Committee Meeting held on June 6, 2008, Dr. Merideth appointed a Nominating Committee to provide the Board with a list of candidates to serve as officers. The Nominating Committee had first met and proposed that Dr. Don Gibson would be nominated as President, Dr. William Mayo, would be nominated as Vice President, and Dr. Virginia Crawford, would be nominated as Secretary. However, before the July 10, 2008, Board meeting, the governor confirmed the reappointments of Dr. Philip Merideth and Dr. Larry Aycock. The Nominating Committee met again and today proposes that for the next twelve (12) months that Dr. Philip Merideth remain as President, Dr. Don Gibson remain as Vice President, and Dr. William Mayo remain as Secretary.

Upon a motion made by Dr. Easterling, seconded by Dr. V. Crawford, and carried unanimously, the Board accepted the Nominating Committee's recommendations of officers beginning with the September Board meeting.

**BOARD MINUTES**

**July 10, 2008**

**Page 6**

**HEARING IN THE CASE OF RICHARD A. MAZUR, M.D., GULFPORT, MISSISSIPPI  
MEDICAL LICENSE NUMBER 14103**

Dr. Mazur was present but was not represented by legal counsel. Ms. O'Neal, Assistant Attorney General, questioned Dr. Mazur regarding legal representation, and Dr. Mazur stated that he wished to waive his right to an attorney and proceed without legal counsel.

Pamela S. Ratliff, Complaint Counsel for the Board, addressed the Board and entered a number of exhibits.

Ms. Ratliff called Thomas Washington, Bureau Director, Investigations, as a witness. Mr. Washington was sworn in and answered questions from Ms. Ratliff. Mr. Washington provided the Board with a chronological background of details surrounding Dr. Mazur.

Dr. Mazur was called to the witness stand and was sworn in before he addressed the Board. Dr. Mazur gave a brief background concerning the issues discussed by Mr. Washington, and gave a brief synopsis of problems over the last few years.

Ms. Ratliff questioned Dr. Mazur before reiterating to the Board that Dr. Mazur has not practiced medicine in over three (3) years and that the Board's rules and regulations would require that he participate in a Board approved physician assessment program and/or clinical skills assessment program to assure post-licensure competency if extending a medical license was the Board's decision.

Upon a motion by Dr. Mayo, seconded by Dr. Merideth, and carried unanimously the Board went into Executive Session to discuss a matter that could possibly be a disciplinary issue.

Upon a motion by Dr. D. Crawford, seconded by Dr. Mayo, and carried unanimously the Board came out of Executive Session at which time Dr. Gibson asked Dr. Mayo to report on the Board's decision. Dr. Mayo announced that the Board in a six to one vote agreed to revoke Dr. Mazur's medical license based on his felony conviction. A copy of the Determination and Order is attached hereto and incorporated by reference.

A verbatim account of this proceeding was recorded by Ella Hardwick, Court Reporter.



## **BOARD MINUTES**

**July 10, 2008**

**Page 7**

### **EXTENSION OF TEMPORARY LICENSE FOR PHYSICIAN ASSISTANT**

Dr. Craig discussed a letter from Claudia Moore, a physician assistant, that failed to meet the minimum passing score when she took the National Commission on Certification of Physician Assistants. Dr. Craig advised that Ms. Moore was requesting an extension in order to have time to retake the examination. Dr. Craig advised that the Board's rules and regulations advise that the Board may extend a temporary license, upon a majority vote of the Board members, for a period not to exceed one hundred eighty (180) days. The regulation advises that under no circumstances may the Board grant more than one extension of a temporary license.

After a brief discussion, motion was made by Dr. Mayo, seconded by Dr. V. Crawford, and carried unanimously to grant Ms. Moore an extension for one hundred eighty (180) days.

### **FINAL ADOPTION OF AMENDED REGULATION CONCERNING THE PRACTICE OF PHYSICIAN ASSISTANTS**

Motion was made by Dr. D. Crawford, seconded by Dr. Mayo, and carried unanimously of the Board's intent to final adopt the amended regulation concerning the practice of physician assistants. A copy of the amended regulation is attached hereto and incorporated by reference. The regulation will be filed with the Secretary of State under the Administrative Procedures Act.

### **FINAL ADOPTION OF AMENDED REGULATION CONCERNING THE PRACTICE OF RADIOLOGIST ASSISTANTS**

Motion was made by Dr. D. Crawford, seconded by Dr. V. Crawford, and carried unanimously of the Board's intent to final adopt the amended regulation concerning the practice of radiologist assistants. A copy of the amended regulation is attached hereto and incorporated by reference. The regulation will be filed with the Secretary of State under the Administrative Procedures Act.

### **OTHER BUSINESS**

Dr. Easterling advised that the matter concerning the two previous proposed policies needed to be addressed.

After a brief discussion, motion was made by Dr. Easterling, seconded by Dr. D. Crawford, and carried unanimously to adopt the proposed wording for the Closing a Physician's Practice as Board policy. A copy of the policy is attached hereto and incorporated by reference.

## **BOARD MINUTES**

**July 10, 2008**

**Page 8**

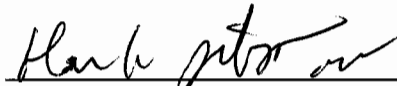
The second proposed policy concerning Ending the Physician - Patient Relationship was briefly discussed. After a brief discussion, an editorial change to item number 1 was adopted to read as follows: "Giving the patient or patient's representative written notice, which may be by certified mail return receipt requested, or other reasonable proof." Motion was made by Dr. Merideth, seconded by Dr. D. Crawford, and carried unanimously to adopt the proposed wording for the Ending the Physician - Patient Relationship as Board policy. A copy of the policy is attached hereto and incorporated by reference.

Upon motion by Dr. D. Crawford, seconded by Dr. Mayo, and carried unanimously the Board went into Executive Session to discuss a personnel matter.

Upon a motion by Dr. Merideth, seconded by Dr. Mayo and carried unanimously the Board came out of Executive Session at which time Dr. Gibson asked Dr. Mayo to report on the Board's decision. Dr. Mayo advised that the Board unanimously agreed and would like to express the Board's confidence in our present complaint counsel as well as unanimously agreeing on a motion to petition the legislature for a staff attorney position beginning with the FY 2010 budget.

## **ADJOURNMENT**

The meeting adjourned at 12:25 p.m., with the next meeting scheduled for Thursday, September 18, 2008.



---

**DON A. GIBSON, M.D.**  
**President**

Minutes taken and transcribed  
by Sherry Harris  
Staff Officer  
July 10, 2008


**EXECUTIVE SESSION**  
**MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**  
**July 10, 2008**

**AGENDA ITEM: Discussion of Pediatric Cardiovascular Physician at UMC**

Motion made by Dr. D. Crawford, seconded by Dr. Aycock, the Board unanimously agreed to instruct the Executive Director to investigate the matter and report back to the Executive Committee.

<u>VOTE:</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Larry B. Aycock, M.D.	X			
A. Wallace Conerly, M.D.				X
Dewitt G. Crawford, M.D.	X			
Virginia M. Crawford, M.D.	X			
S. Randall Easterling, M.D.	X			
Don A. Gibson, M.D.	X			
William S. Mayo, D.O.	X			
Philip T. Merideth, M.D., J.D.	X			

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

  
\_\_\_\_\_  
Don A. Gibson, M.D.  
President

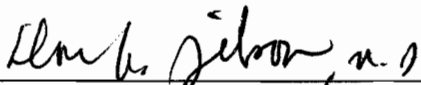
**EXECUTIVE SESSION**  
**MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**  
**July 10, 2008**

**AGENDA ITEM:   Licensure of Michael Murphy, D.O.**

Motion made by Dr. Merideth, seconded by Dr. D. Crawford, the Board unanimously agreed to refer the matter to the Executive Director for further study and report to Executive Committee.

<u>VOTE:</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Larry B. Aycock, M.D.	X			
A. Wallace Conerly, M.D.				X
Dewitt G. Crawford, M.D.	X			
Virginia M. Crawford, M.D.	X			
S. Randall Easterling, M.D.	X			
Don A. Gibson, M.D.	X			
William S. Mayo, D.O.	X			
Philip T. Merideth, M.D., J.D.	X			

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

  
\_\_\_\_\_  
Don A. Gibson, M.D.  
President

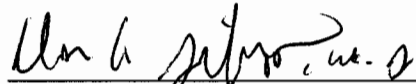
**EXECUTIVE SESSION**  
**MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**  
**July 10, 2008**

**AGENDA ITEM: XIII. Hearing in the case of Richard A. Mazur, M.D.**

Motion made by Dr. D. Crawford, seconded by Dr. Easterling , in a six to one vote agreed to revoke Dr. Mazur's medical license based on his felony conviction.

<u>VOTE:</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Larry B. Aycock, M.D.	X			
A. Wallace Conerly, M.D.				X
Dewitt G. Crawford, M.D.	X			
Virginia M. Crawford, M.D.		X		
S. Randall Easterling, M.D.	X			
Don A. Gibson, M.D.	X			
William S. Mayo, D.O.	X			
Philip T. Merideth, M.D., J.D.	X			

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

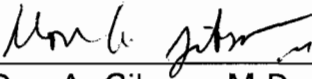
  
\_\_\_\_\_  
Don A. Gibson, M.D.  
President

**EXECUTIVE SESSION**  
**MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**  
**July 10, 2008**

**AGENDA ITEM: Personnel matters**

Upon a motion made by Dr. V. Crawford, seconded by Dr. Easterling, and carried unanimously, the Board agreed to petition the legislature for a staff attorney position beginning with FY 2010 budget.

<u>VOTE:</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Larry B. Aycock, M.D.	X			
A. Wallace Conerly, M.D.				X
Dewitt G. Crawford, M.D.	X			
Virginia M. Crawford, M.D.	X			
S. Randall Easterling, M.D.	X			
Don A. Gibson, M.D.	X			
William S. Mayo, D.O.	X			
Philip T. Merideth, M.D., J.D.	X			

  
\_\_\_\_\_  
Don A. Gibson, M.D.  
President

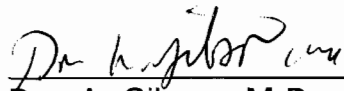
**EXECUTIVE SESSION**  
**MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**  
**July 10, 2008**

**AGENDA ITEM: Personnel matters**

Upon a motion made by Dr. Aycock, seconded by Dr. Merideth, and carried unanimously, the Board made a motion of confidence in our present attorney.

<u>VOTE:</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Larry B. Aycock, M.D.	X			
A. Wallace Conerly, M.D.				X
Dewitt G. Crawford, M.D.	X			
Virginia M. Crawford, M.D.	X			
S. Randall Easterling, M.D.	X			
Don A. Gibson, M.D.	X			
William S. Mayo, D.O.	X			
Philip T. Merideth, M.D., J.D.	X			

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

  
\_\_\_\_\_  
Don A. Gibson, M.D.  
President

**RESOLUTION**

WHEREAS, William B. Harper, D.O., Greenwood, Mississippi, faithfully and conscientiously served the Mississippi State Board of Medical Licensure as a member for nine years and eight months; and

WHEREAS, Dr. Harper served as Secretary and Vice President of the Mississippi State Board of Medical Licensure; and

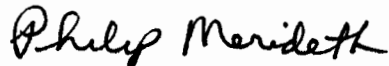
WHEREAS, Dr. Harper discharged his duties with firmness, dignity and compassion, always in keeping with the intent of the Medical Practice Act and Rules and Regulations of this Board, and thereby working to the great benefit of the Board and citizens of the State of Mississippi; and

WHEREAS, during his years of service Dr. Harper continually and graciously gave his efforts, time and abilities toward maintaining the highest standard of medical practice for which the State of Mississippi is noted;


THEREFORE, BE IT RESOLVED, that the Mississippi State Board of Medical Licensure, on behalf of the Board and the people of the State of Mississippi, by means of this resolution, express to Dr. Harper its gratitude and appreciation for his services during the years he devoted to the Board and the State of Mississippi; and

BE IT FURTHER RESOLVED, that a copy of this resolution be spread upon the minutes of the Board and a copy be given to Dr. Harper expressing to him the highest esteem of the Board.


DATED, this the tenth day of July, 2008.

  
Philip T. Merideth, M.D., J.D., President

  
Larry B. Aycock, M.D.

  
Don A. Gibson, M.D., Vice President

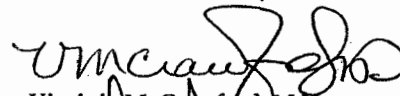
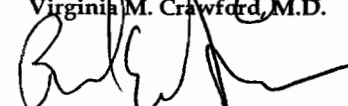
  
A. Wallace Conerly, M.D.

  
William S. Mayo, D.O., Secretary

  
Dewitt G. Crawford, M.D.

ATTEST:

  
H. Vann Craig, M.D.  
Executive Director

  
Virginia M. Crawford, M.D.  
  
S. Randall Easterling, M.D.



### **3.15 Administration of Botox Injections**

#### **(A Joint Policy by the Mississippi State Board of Medical Licensure and the Mississippi State Board of Nursing)**

The Joint Committee of the Mississippi State Board of Medical Licensure (MSBML) and the Mississippi Board of Nursing (BON) has determined that the appropriately prepared Nurse Practitioner (NP) can administer Botox injections provided:

1. The NP is educated and competent in the use of Botox and the procedure being performed. This education and competence must be documented initially and on an ongoing basis.
2. The collaborative physician is educated in the use of Botox.
3. The NP's protocol addresses the administration of Botox.
4. The collaborative physician has examined the patient and documented the patient's chart approving the use of Botox.
5. The NP practices according to generally accepted standards of practice.

**Adopted September 20, 2007.**

**FILED**  
JUL 24 2008

**COPY**

**NOTICE OF PROPOSED RULE ADOPTION**

**MISSISSIPPI  
SECRETARY OF STATE**

**STATE OF MISSISSIPPI  
Mississippi State Board of Medical Licensure**

Mississippi State Board of Medical Licensure  
c/o Rhonda Freeman  
1867 Crane Ridge Drive, Suite 200-B  
Jackson, MS 39216

(601) 987-3079  
rhonda@msbml.state.ms.us

Specific Legal Authority authorizing the promulgation of Rule: {Insert citation to state or federal statute, or rule} Section 73-43-11

Reference to Rules repealed, amended or suspended by the Proposed Rule :{ Insert citation to specific rule(s) repealed, amended or suspended } Chapter 09 Collaboration/Consultation with Nurse Practitioners

Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule: {Insert here}  
This amendment defines the quality assurance/quality improvement program criteria required between a nurse practitioner and their collaborating physician.

This rule is proposed as a  Final Rule, and/or a  Temporary Rule (Check one or both boxers as applicable.)

Persons may present their views on the proposed rule by addressing written comments to the agency at the above address. Persons making comments should include their name and address, as well as other contact information, and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

Oral Proceeding: Check one box below:

An oral proceeding is scheduled on this rule on Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Place: \_\_\_\_\_

If you wish to be heard and present evidence at the oral proceeding you must make a written request to the agency at the above address at least \_\_\_\_\_ day(s) prior to the proceeding to be placed on the agenda. The request should include your name, address, telephone number as well as other contact information; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

An oral proceeding is not scheduled on this rule. Where an oral proceeding is not scheduled, an oral proceeding will be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address and telephone number of the person(s) making the request; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

Economic Impact Statement: Check one box below:

- The agency has determined that an economic impact statement is not required for this rule, or
- The concise summary of the economic impact statement required is attached.

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Date Rule Proposed: July 24, 2008

Proposed Effective Date of Rule: 30 days from final filing.

*Rhonda Freeman*

Signature and Title of Person Submitting Rule for Filing

Rhonda Freeman, Bureau Director

**FILED**  
JUL 24 2008  
TELEPHONE: (601) 987-3079



FAX: (601) 987-4159

**MISSISSIPPI  
SECRETARY OF STATE**

**MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**

To: Mississippi Secretary of State  
From: Mississippi State Board of Medical Licensure  
Date: July 24, 2008  
Subject: Notice of Proposed Rule Adoption

Mississippi Code §73-43-11 gives the Mississippi State Board of Medical Licensure the authority to promulgate and publish reasonable rules and regulations necessary to enable it to discharge its functions and to enforce the provisions of law regulating the practice of medicine and the conduct of physicians.

This amendment defines the quality assurance/quality improvement program criteria required between a nurse practitioner and their collaborating physician.

Any comments concerning the proposed regulation may be sent to the following address:

Mississippi State Board of Medical Licensure  
1867 Crane Ridge Drive, Suite 200-B  
Jackson, MS 39216

**FILED**  
JUL 24 2008

**MISSISSIPPI  
SECRETARY OF STATE**

**Chapter 09 Collaboration/Consultation With Nurse Practitioners**

Scope

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

Definitions

- 200 For the purpose of Chapter 09 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 who holds an unrestricted license or whose practice or prescriptive authority is not limited as a result of voluntary surrender or legal/regulatory order.
  2. **"Free Standing Clinic"** means a clinic or other facility wherein patients are treated by a nurse practitioner, which is more than fifteen (15) miles away from the primary office of the collaborative/consultative physician. Excluded from this definition are all licensed hospitals, state health department facilities, federally qualified community health clinics and volunteer clinics.
  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. **"Collaborating/Consulting Physician"** means a physician who, pursuant to a duly executed protocol has agreed to collaborate/consult with a nurse practitioner.
  5. **"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.

Board Review

- 300 Physicians who wish to collaborate/consult with a nurse practitioner who plans or anticipates practicing in a free standing clinic, must first (a) appear personally or by telephone before the Mississippi State Board of Medical Licensure and/or the Joint Committee of the Board of Medical Licensure and the Board of Nursing if the Board of Medical Licensure determines that the collaborative/consultative relationship may not be approved absent action from the Joint Committee, (b) present and discuss the protocol, and (c) obtain approval from the Board to act as a collaborating/consulting physician. The facts and matters to be considered by the Board shall include, but are not limited to, how the collaborating/consulting physician and nurse practitioner plan to implement the protocol, the method and manner of collaboration, consultation, and referral.
- 301 The requirement for Board appearance and approval set forth in Section 300 above also applies to any physician collaborating/consulting with a nurse practitioner who later moves to a free standing clinic under an existing protocol.

**FILED**  
JUL 24 2008

MISSISSIPPI  
SECRETARY OF STATE

107 Where a nurse practitioner is practicing in a free standing clinic pursuant to an existing protocol as of the effective date of this regulation, the requirements of personal appearance or telephone interview and Board approval set forth in Section 300 above shall not be required until the next succeeding renewal date for said certificate as required by the Mississippi State Board of Nursing.

303 Where two or more physicians anticipate executing a protocol to collaborate/consult with a nurse practitioner practicing in a free standing clinic, it shall not be necessary that all of the physicians personally appear before the Mississippi State Board of Medical Licensure as required in Section 300. In this situation, the physician who will bear the primary responsibility for the collaboration/consultation with the nurse practitioner shall make the required personal appearance or telephone interview.

304 Each collaborative/consultative relationship shall include and implement a formal quality improvement program which shall be maintained on site and shall be available for inspection by representatives of the Mississippi State Board of Medical Licensure. ~~This quality assurance/quality improvement program must be sufficient to provide a valid evaluation of the practice and be a valid basis for change, if any.~~ The quality assurance/quality improvement program criteria shall consist of:

1. On-site review by primary collaborative physician of a sample of charts that represent 10% of patients seen by the nurse practitioner every month. Charts should represent the variety of patient types seen by the nurse practitioner. Patients that the nurse practitioner and collaborating physician have consulted on during the month will count as one chart review.
2. The nurse practitioner shall maintain a log of charts reviewed monthly which include the identifier for the patient's charts, reviewers' names, and dates of review. The monthly logs will be maintained in a specified location in the practice site of the nurse practitioner, known to the site administrator and collaborating physician.
3. Suggested areas for review should include:
  - a. Adequate assessment performed with appropriate lab work and diagnostic studies.
  - b. Diagnosis corresponds with findings of assessment.
  - c. Plan of care is determined according to accepted standards of care.
  - d. Adverse events.

#### Re-evaluation of Nurse Practitioner Categories

400 Pursuant to authority granted in Mississippi Code, 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 ensure 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.

**FILED**  
JUL 24 2008

**MISSISSIPPI**  
**VIOLATION OF REGULATIONS**  
**SECRETARY OF STATE**

500 Any violation of the rules and regulations as enumerated above shall constitute unprofessional conduct in violation of Mississippi Code, Section 73-25-29(8).

Effective Date of Regulation

600 The above rules and regulations pertaining to collaborating/consulting physicians shall become effective September 21, 1991.

**Amended May 19, 2005.**

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

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

**OF**

**RICHARD ALFRED MAZUR, M.D.**

**DETERMINATION AND ORDER**

THIS MATTER came on regularly for a hearing before the Mississippi State Board of Medical Licensure, hereinafter referred to as the "Board", pursuant to Title 73, Chapter 25, Mississippi Code of 1972, Annotated.

Richard Alfred Mazur, M.D., hereinafter referred to as "Licensee", is a physician licensed to practice medicine in the State of Mississippi, currently holding suspended Mississippi License Number 14103. On March 29, 2005, Licensee was served an Order of License Suspension for Noncompliance with Child Support Order pursuant to a letter from the U.S. Department of Health and Human Services, Office of Inspector General, officially notifying the Board of Licensee's non-compliance with the order of the U.S. District Court for the Southern District of Mississippi, Southern Division.

The Board initiated these proceedings on August 15, 2005, by issuance of a Summons against Licensee with an attached Affidavit from Thomas E. Washington, Bureau Director, after Licensee pled guilty to having dispensed a controlled substance for an unlawful purpose in the criminal matter styled United States of America v. Richard A. Mazur, in the U.S. District Court, Southern District of Mississippi, Southern Division, Cause Number: 1:04cr106CuRo-001. Based on Licensee's guilty plea, the affidavit set forth allegations of violations of Subsections (3), (4) and (8)(d) of Mississippi Code Annotated, Section 73-25-29 and Subsection (a) of Section 73-25-83.

This matter was initially set for hearing on September 8, 2005. Subsequently, Licensee requested a continuance of the September date, and the matter was continued to October 29, 2005. On or about October 11, 2005, Licensee requested a continuance of the October hearing

date to a date following Licensee's release from incarceration. On October 20, 2005, an Order of Continuance of the October date was granted and the matter was continued until the next scheduled meeting after Licensee's release from incarceration. On or about April 18, 2008, Licensee was released from incarceration and placed under supervised probation for a period of twelve (12) months. Licensee subsequently informed the Board of his release from incarceration and petitioned the Board by letter dated April 24, 2008, for reinstatement of his Mississippi Medical license.

Licensee appeared before the Board on July 10, 2008, without legal representation. Sitting as legal advisor to the Board was Honorable Ellen O'Neal, Assistant Attorney General. Ms. O'Neal advised Licensee of the disciplinary nature of the proceeding and his right to have counsel present; to present evidence; to call, examine and cross-examine witnesses; and to offer and introduce evidence and testimony on his behalf. Licensee acknowledged his understanding, waived any right to counsel, and advised Ms. O'Neal of his wish to proceed with the hearing. Complaint counsel for the Board was Honorable Pamela Ratliff. Board members present for the hearings were Randall Easterling, M.D.; Virginia Crawford, M.D.; Larry Aycock, M.D.; Don A. Gibson, M.D.; William Mayo, D.O.; Dewitt Crawford, M.D. and Philip Merideth, M.D. Licensee was present during the hearing and heard all testimony and evidence introduced against him. Witnesses testifying during the proceeding on the merits of the charges against Licensee were: Thomas E. Washington, Bureau Director, and Licensee testifying on his own behalf.

Based upon the evidence and testimony presented, the Board renders the following Findings of Fact and Conclusions of Law:

### **FINDINGS OF FACT**

#### **COUNT I**

Count I of the Affidavit alleges that Licensee is in violation of Mississippi Code Annotated, Section 73-25-29(3), in that he is guilty of being convicted for dispensing prescriptions for



controlled substances without a legitimate medical purpose and outside the scope of legitimate medical practice.

Evidence presented at the hearing included a certified copy of the June 20, 2005, Judgment in the criminal matter styled, United States of America v. Richard A. Mazur, in the U.S. District Court, Southern District of Mississippi, Southern Division, Cause Number: 1:04cr106CuRo-001, adjudicating Licensee guilty of dispensing a controlled substance for an unlawful purpose.

At the hearing, Licensee acknowledged and testified to having entered a plea of guilty to the criminal charge of dispensing a controlled substance for an unlawful purpose. Licensee further testified to being incarcerated in the federal prison as a result of his guilty plea.

#### **COUNT II**

Count II of the Affidavit alleges that Licensee is in violation of Mississippi Code Annotated, Section 73-25-29(4), in that he is guilty of being convicted for dispensing prescriptions of controlled substances without a legitimate medical purpose and outside the scope of legitimate medical practice.

Evidence presented at the hearing included a certified copy of the June 20, 2005, Judgment in the criminal matter styled, United States of America v. Richard A. Mazur, in the U.S. District Court, Southern District of Mississippi, Southern Division, Cause Number: 1:04cr106CuRo-001, adjudicating Licensee guilty of dispensing a controlled substance for an unlawful purpose.

Licensee acknowledged and testified to having been convicted of the criminal charge of dispensing a controlled substance for an unlawful purpose as a result of Licensee's guilty plea to the charge.

### COUNT III

Count III of the Affidavit alleges that Licensee is guilty of unprofessional conduct, including dishonorable or unethical conduct likely to deceive, defraud or harm the public, a violation of Subsection (8)(d) of Mississippi Code Annotated, Section 73-25-29, and Section, 73-25-83(a), by being convicted of dispensing prescriptions for controlled substances without a legitimate medical purpose and outside the scope of legitimate medical practice.

Evidence presented at the hearing included a certified copy of the June 20, 2005, Judgment in the criminal matter styled, United States of America v. Richard A. Mazur, in the U.S. District Court, Southern District of Mississippi, Southern Division, Cause Number: 1:04cr106CuRo-001, adjudicating Licensee guilty of dispensing a controlled substance for an unlawful purpose.

At the hearing, Licensee acknowledged and testified to having entered a plea of guilty to the criminal charge of dispensing a controlled substance for an unlawful purpose.

### CONCLUSIONS OF LAW

#### COUNT I

Based upon the evidenced presented, the Board finds sufficient evidence to support this charge. The Board finds that Licensee is guilty of being convicted for dispensing prescriptions for controlled substances without a legitimate medical purpose and outside the scope of legitimate medical practice, in violation of Section 73-25-29(3).

#### COUNT II

Based upon the evidenced presented, which includes a certified copy of the June 20, 2005, Judgment in the criminal matter styled, United States of America v. Richard A. Mazur, in the U.S. District Court, Southern District of Mississippi, Southern Division, Cause Number: 1:04cr106CuRo-001, adjudicating Licensee guilty of dispensing a controlled substance for an unlawful purpose, the Board finds sufficient evidence to support this charge. The Board finds that Licensee is guilty of being convicted for dispensing prescriptions for controlled substances

without a legitimate medical purpose and outside the scope of legitimate medical practice, in violation of Section 73-25-29(4).

**COUNT III**

Based upon the evidence presented, which includes a certified copy of the conviction order or judgment rendered, the Board finds sufficient evidence to support this charge. The Board finds that Licensee 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, all in violation of Mississippi Code Annotated, Section 73-25-29(8)(d) and Section 73-25-83(a) for being convicted for dispensing prescriptions for controlled substances without a legitimate medical purpose and outside the scope of legitimate medical practice.

**ORDER**

IT IS THEREFORE, ORDERED that based upon the Findings of Fact and Conclusions of Law enumerated above, due to a felony conviction and in accordance with the Board's duty to protect the public, that Mississippi Medical License No. 14103, duly issued to Richard Alfred Mazur, M.D., should be, and is hereby, revoked pursuant to Section 73-25-29 of the Mississippi Code of 1972, Annotated, as amended.

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 Richard Alfred Mazur, M.D. Because Dr. Richard Mazur was informed of this decision following Board deliberations, the Order shall be given immediate effect.

SO ORDERED, this the 10<sup>th</sup> day of July 2008.

**MISSISSIPPI STATE BOARD OF  
MEDICAL LICENSURE**

By:



\_\_\_\_\_  
**DON A. GIBSON, M.D.  
PRESIDENT**

NOTICE OF RULE ADOPTION—FINAL RULE

**COPY**  
**FILED**  
JUL 11 2008

STATE OF MISSISSIPPI  
Mississippi State Board of Medical Licensure

MISSISSIPPI  
SECRETARY OF STATE

Mississippi State Board of Medical Licensure  
c/o Rhonda Freeman  
1867 Crane Ridge Drive, Suite 200-B  
Jackson, MS 39216

(601) 987-3079  
rhonda@msbml.state.ms.us

Specific Legal Authority Authorizing the promulgation of  
Rule: {Insert citation to state or federal statute, or  
rule Section 73-43-11

Reference to Rules repealed, amended or suspended by the  
Proposed Rule :{Insert citation to specific rule(s) repealed,  
amended or suspended Chapter 11 The Practice of Physician Assistants

**Date Rule Proposed:**

**Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule:**

~~This amendment would allow the Board to mail notices of renewals to physician assistants instead of applications of renewal.~~

The Agency Rule Making Record for this rule including any written comments received during the comment period and the record of any oral proceeding is available for public inspection by contacting the Agency at the above address.

An oral proceeding was held on this rule:

Date:  
Time:  
Place:

An oral proceeding was not held on this rule.

**The Agency has considered the written comments and the presentations made in any oral proceedings, and**

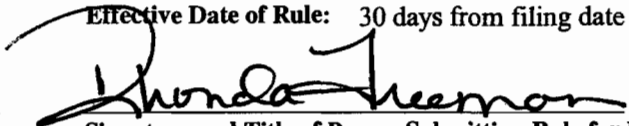
This rule as adopted is without variance from the proposed rule.

This rule as adopted differs from the proposed rule as there are minor editorial changes which affect the form rather than the substance of the rule.

The rule as adopted differs from the proposed rule. The differences however are:  
Within the scope of the matters in the Notice of Proposed Rule Adoption, the logical outgrowth of the contents of the Notice of Proposed Rule Adoption and the comments submitted in response thereto, and  
The Notice of Proposed Rule Adoption provided fair warning that the outcome of the proposed rule adoption could be the rule in question.

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Effective Date of Rule: 30 days from filing date



Signature and Title of Person Submitting Rule for Filing

Rhonda Freeman  
Bureau Director

TELEPHONE: (601) 987-3079



FAX: (601) 987-4159

## MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

**TO:** Mississippi Secretary of State  
**From:** Mississippi State Board of Medical Licensure  
**Date:** July 11, 2008  
**Subject:** Notice of Proposed Rule Adoption - Final Rule

Mississippi Code §73-43-11 gives the Mississippi State Board of Medical Licensure the power to promulgate and publish reasonable rules and regulations necessary to enable it to discharge its functions and to enforce the provisions of law regulating the practice of medicine.

This rule as adopted is without variance from the proposed rule.

This is an amendment to Board regulation, Chapter 11, Section 1401, The Practice of Physician Assistants. It amends the current regulation to allow the Board to mail notices of renewals to physician assistants instead of applications of renewal.

## Chapter 11 The Practice of Physician Assistants

### Renewal Schedule

- 1400 The license of every person licensed to practice as a physician assistant in the state of Mississippi shall be renewed annually.
- 1401 On or before May 1 of each year, the State Board of Medical Licensure shall mail a notice of renewal of license to every physician assistant to whom a license was issued or renewed during the current licensing year. The notice shall provide instructions for obtaining and submitting applications for renewal. The applicant shall obtain and complete the application and submit it to the Board in the manner prescribed by the Board in the notice before June 30 with documentation of completing each year 50 hours of CME and the renewal fee of an amount established by the Board. The payment of the annual license renewal fee shall be optional with all physician assistants over the age of seventy (70) years. Upon receipt of the application and fee, the Board shall verify the accuracy of the application and issue to applicant a certificate of renewal for the ensuing year, beginning July 1 and expiring June 30 of the succeeding calendar year.
- 1402 A physician assistant practicing in Mississippi who allows his or her license to lapse by failing to renew the license as provided in Section 1401 may be reinstated by the Board on satisfactory explanation for such failure to renew, by completion of a reinstatement form, and upon payment of the renewal fee for the current year, and shall be assessed a fine of Twenty-five Dollars (\$25.00) plus an additional fine of Five Dollars (\$5.00) for each month thereafter that the license renewal remains delinquent.
- 1403 Any physician assistant not practicing in Mississippi who allows his or her license to lapse by failing to renew the license as provided in Section 1401 may be reinstated by the Board on satisfactory explanation for such failure to renew, by completion of a reinstatement form, and upon payment of the arrearage for the previous five (5) years and the renewal fee for the current year.
- 1404 Any physician assistant who allows his or her license to lapse shall be notified by the Board within thirty (30) days of such lapse.
- 1405 Any person practicing as a physician assistant during the time his or her license has lapsed shall be considered an illegal practitioner and shall be subject to the same penalties as provided in Mississippi Code, Section 73-25-14.

**Amended July 10, 2008.**

**COPY**

**NOTICE OF RULE ADOPTION—FINAL RULE**

**STATE OF MISSISSIPPI**  
Mississippi State Board of Medical Licensure

**FILED**  
JUL 11 2008

**MISSISSIPPI**  
**SECRETARY OF STATE**

Mississippi State Board of Medical Licensure  
c/o Rhonda Freeman  
1867 Crane Ridge Drive, Suite 200-B  
Jackson, MS 39216

(601) 987-3079  
rhonda@msbml.state.ms.us

Specific Legal Authority Authorizing the promulgation of  
Rule: (Insert citation to state or federal statute, or  
rule Section 73-43-11)

Reference to Rules repealed, amended or suspended by the  
Proposed Rule : (Insert citation to specific rule(s) repealed,  
amended or suspended Chapter 12 The Practice of Radiologist Assistants)

**Date Rule Proposed:**

**Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule:**

This amendment would allow the Board to mail notices of renewals to radiologist assistants instead of applications of renewal.  
\_\_\_\_\_  
\_\_\_\_\_

The Agency Rule Making Record for this rule including any written comments received during the comment period and the record of any oral proceeding is available for public inspection by contacting the Agency at the above address.

An oral proceeding was held on this rule:

Date:  
Time:  
Place:

An oral proceeding was not held on this rule.

**The Agency has considered the written comments and the presentations made in any oral proceedings, and**

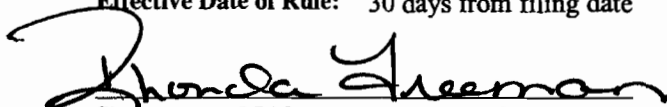
This rule as adopted is without variance from the proposed rule.

This rule as adopted differs from the proposed rule as there are minor editorial changes which affect the form rather than the substance of the rule.

The rule as adopted differs from the proposed rule. The differences however are:  
Within the scope of the matters in the Notice of Proposed Rule Adoption, the logical outgrowth of the contents of the Notice of Proposed Rule Adoption and the comments submitted in response thereto, and  
The Notice of Proposed Rule Adoption provided fair warning that the outcome of the proposed rule adoption could be the rule in question.

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Effective Date of Rule: 30 days from filing date

  
Signature and Title of Person Submitting Rule for Filing

Rhonda Freeman  
Bureau Director

TELEPHONE: (601) 987-3079



FAX: (601) 987-4159

## MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

TO: Mississippi Secretary of State  
From: Mississippi State Board of Medical Licensure  
Date: July 11, 2008  
Subject: Notice of Proposed Rule Adoption - Final Rule

Mississippi Code §73-43-11 gives the Mississippi State Board of Medical Licensure the power to promulgate and publish reasonable rules and regulations necessary to enable it to discharge its functions and to enforce the provisions of law regulating the practice of medicine.

This rule as adopted is without variance from the proposed rule.

This is an amendment to Board regulation, Chapter 12, Section 1101, The Practice of Radiologist Assistants. It amends the current regulation to allow the Board to mail notices of renewals to radiologist assistants instead of applications of renewal.



## Chapter 12 The Practice of Radiologist Assistants

### Renewal Schedule

- 1100 The license of every person licensed to practice as a radiologist assistant in the state of Mississippi shall be renewed annually.
- 1101 On or before May 1 of each year, the State Board of Medical Licensure shall mail a notice of renewal of license to every radiologist assistant to whom a license was issued or renewed during the current licensing year. The notice shall provide instructions for obtaining and submitting applications for renewal. The applicant shall obtain and complete the application and submit it to the Board in the manner prescribed by the Board in the notice before June 30 with the renewal fee of an amount established by the Board. The payment of the annual license renewal fee shall be optional with all radiologist assistants over the age of seventy (70) years. Upon receipt of the application and fee, the Board shall verify the accuracy of the application and issue to applicant a certificate of renewal for the ensuing year, beginning July 1 and expiring June 30 of the succeeding calendar year. Such renewal shall render the holder thereof a licensed radiologist assistant as stated on the renewal form.
- 1102 A radiologist assistant practicing in Mississippi who allows his or her license to lapse by failing to renew the license as provided in Section 901 may be reinstated by the Board on satisfactory explanation for such failure to renew, by completion of a reinstatement form, and upon payment of the renewal fee for the current year, and shall be assessed a fine of Twenty-five Dollars (\$25.00) plus an additional fine of Five Dollars (\$5.00) for each month thereafter that the license renewal remains delinquent.
- 1103 Any radiologist assistant not practicing in Mississippi who allows his or her license to lapse by failing to renew the license as provided in Section 901 may be reinstated by the Board on satisfactory explanation for such failure to renew, by completion of a reinstatement form, and upon payment of the arrearage for the previous five (5) years and the renewal fee for the current year.
- 1104 Any radiologist assistant who allows his or her license to lapse shall be notified by the Board within thirty (30) days of such lapse.
- 1105 Any person practicing as a radiologist assistant during the time his or her license has lapsed shall be considered an illegal practitioner and shall be subject to the same penalties as provided at Mississippi Code, Section 73-25-14.

**Amended July 10, 2008.**

### **3.17 Closing a Physician's Practice**

When a physician ceases to practice, whether by relocation, retirement, disability, or death, certain obligations are due the patients of the physician. If relocation to another site in the same patient area, the problems are mainly logistical and making sure the patients know about the move. If leaving a partnership or group practice, the physicians remaining should not unduly hinder patient inquiries as to the location of the departing physician. Patients of the departing physician should be informed of the physician's new address and offered the opportunity to have their medical records sent to the departing physician at the new practice location. It is unethical to withhold such information upon a patient's request. If the closing is planned, as in the case of retirement, relatively few problems should be expected. However, if the closing is unexpected as in the case of disability or death, the situation is traumatic and full of problems that require quick solutions and answers.

#### **Medical Records**

One major problem that always arises when it becomes necessary to move or close a physician's office is what to do with patient records. Since these are important and confidential documents, they must be carefully preserved in some manner. If a physician is leaving the area and is in a partnership or group practice, it is customary to leave the records in the possession of the partners or group. If the physician is staying in the area, it is common practice to divide the records in some equitable manner. Most legal authorities are of the opinion that the medical records are the property of the partnership or group and not the individual physician. It is, however, the right of the patient to determine where the records or a copy of the records should go. Therefore, whether by relocation, retirement, disability or death, the patient should be advised of the right to have the medical records sent to the physician of their choice. Notification can be accomplished by a sign in the reception area, a note in the monthly billing statement, or an advertisement in a local newspaper. It is not advisable to turn the original records over to the patient. Charges to the patient are acceptable and few patients will object to a minimum charge for this service. It is considered less than professional to charge another treating physician for a copy of the patient's medical records. In any event, the records should not be unduly delayed.

#### **Patient Notification**

1. For patients under current care; i.e., taking a prescribed medication that requires refill or having a prescheduled treatment or examination, special attention must be to notifying as quickly as possible that the physician is no longer available and that immediate arrangements for care need to be made. For those scheduled in the next 14 days, a phone call works best. Others may be notified by direct mail.
2. A letter in the monthly billing statement may be used. A notice of 30 days is considered reasonable time.
3. Referral to an appropriate physician for care may be in order.
4. A notice in a newspaper of general circulation for 3 or 4 weeks will notify past and present patients and the general public of the closing of the practice and the availability of medical records.

**Adopted July 10, 2008.**

### **3.18 Ending the Physician - Patient Relationship**

Once a physician - patient relationship has begun, the physician is under both an ethical and legal obligation to provide services as long as the patient needs them. There may be times, however, when a physician may no longer be able to provide care. It may be that the patient is noncompliant, unreasonably demanding, threatening, or otherwise contributing to a breakdown of the relationship. The decision to terminate the relationship must be made by the physician alone.

Regardless of the situation, to avoid a claim of "patient abandonment", a physician must follow appropriate steps to terminate the physician - patient relationship. A physician may not discontinue treatment of a patient as long as further treatment is medically indicated, without giving the patient reasonable notice and sufficient opportunity to make other arrangements for care. A physician who does not terminate the relationship properly may be charged with unprofessional conduct.

Appropriate steps to terminate the physician - patient relationship include:

1. Giving the patient or patient's representative written notice, which may be by certified mail return receipt requested, or other reasonable proof. A copy of the letter should be included in the medical record.
2. Providing the patient with a brief and valid reason for terminating the relationship.
3. Agreeing to continue to provide care for a reasonable period of time (at least 30 days) in order to allow the patient to obtain care from another physician.
4. Providing recommendations to help the patient locate another physician of like specialty.
5. Offer to transfer records to the new physician upon signed authorization and include an authorization form with the letter.
6. A physician assistant or nurse practitioner may not independently terminate the physician - patient relationship.

**Adopted July 10, 2008.**

SEPTEMBER 2008

AMERY

**MINUTES  
EXECUTIVE COMMITTEE MEETING  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
SEPTEMBER 17, 2008**

**MEMBERS PRESENT:**

Philip T. Merideth, M.D., J.D., Jackson, President  
Don A. Gibson, M.D., Richland, Vice President  
William S. Mayo, D.O., Oxford, Secretary

**ALSO PRESENT:**

H. Vann Craig, M.D., Director  
Stan T. Ingram, Complaint Counsel for the Board  
Ellen O'Neal, Assistant Attorney General  
Rhonda Freeman, Bureau Director, Licensure Division  
Thomas Washington, Bureau Director, Investigative Division  
Frances Scott, Special Projects Officer, Investigative Division  
Mickey Boyette, Investigator, Investigative Division  
Sherry Harris, Staff Officer

The Executive Committee of the Mississippi State Board of Medical Licensure met on Wednesday, September 17, 2008, at 1:15 p.m. in the Executive Conference Room of the Office of the Board located at 1867 Crane Ridge Drive, Jackson, Mississippi.

**UPDATE ON NEIL BURTON SLOAN, M.D., CORINTH, MISSISSIPPI MEDICAL LICENSE NUMBER 19029**

Dr. Craig advised that Dr. Sloan had appeared before the Board at the March 27, 2008, Board meeting and was under a Consent Order with the Board. Dr. Craig advised that the Board's investigative staff had obtained information indicating that Dr. Sloan may not be in compliance with his current Consent Order.

After a brief discussion, motion was made by Dr. Gibson, seconded by Dr. Mayo, and carried unanimously with Dr. Merideth voting as present to invite Dr. Sloan to appear at the November Board meeting to address issues of violations of the Medical Practice Act and violations of his Consent Order.

**EXECUTIVE COMMITTEE MINUTES**

**September 17, 2008**

**Page 2**

**UPDATE ON STEVEN T. HAYNE, M.D., JACKSON, MISSISSIPPI MEDICAL LICENSE NUMBER 10600**

Dr. Craig advised that the Board had received a letter from Dr. Hayne's attorney, Dale Danks, which included a letter from the College of American Pathologists regarding allegations asserted by The Innocence Project. Dr. Craig advised that the Inquiry Committee only had concerns relating to the number of autopsies performed by Dr. Hayne.

After a brief discussion, motion was made by Dr. Gibson, seconded by Dr. Mayo, and carried unanimously with Dr. Merideth voting as present to issue a Letter of Concern to Dr. Hayne advising that the Board's main concern was related to the number of autopsies performed and close the matter with no disciplinary action taken.

**UPDATE ON RADWAN KHURI, M.D., BATESVILLE, MISSISSIPPI MEDICAL LICENSE 14657**

Dr. Craig advised that Dr. Khuri was discussed at the July 09, 2008, Executive Committee due to a Consent Order issued by North Carolina. Dr. Craig advised that since the Consent Order was concerning nurse practitioners, the Board has been reviewing Dr. Khuri's file. Dr. Craig advised that several errors were submitted on Dr. Khuri's 2008-2009 license renewal and that Dr. Khuri's response was attached.

After a brief discussion, motion was made by Dr. Mayo, seconded by Dr. Gibson, and carried unanimously with Dr. Merideth voting present to send Dr. Khuri a proposed Agreed Order of Reprimand for falsifying information on his licensure renewal and mirroring the Consent Order issued by North Carolina. Dr. Khuri will be given ten (10) days to execute and return the Board's action or he has the right to appear before the Board in an evidentiary hearing.

**SANDEEP MELLACHERUVU, M.D., JACKSON, MISSISSIPPI MEDICAL LICENSE NUMBER 19870, SURRENDER OF MEDICAL LICENSE**

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

Dr. Craig briefly covered the events concerning Dr. Mellacheruvu's voluntary surrender of his Mississippi medical license. Motion was made by Dr. Mayo, seconded by Dr. Gibson, and carried unanimously with Dr. Merideth voting present to accept Dr. Mellacheruvu's Surrender. A copy of Dr. Mellacheruvu's Surrender is attached hereto and incorporated by reference.

**EXECUTIVE COMMITTEE MINUTES**

**September 17, 2008**

**Page 3**

**LARRY CHARLES BOYD, M.D., INDIANOLA, MISSISSIPPI MEDICAL LICENSE NUMBER 19429, SURRENDER OF MEDICAL LICENSE**

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

Dr. Craig briefly covered the events concerning Dr. Boyd's voluntary surrender of his Mississippi medical license. Motion was made by Dr. Mayo, seconded by Dr. Gibson, and carried unanimously with Dr. Merideth voting present to accept Dr. Boyd's Surrender. A copy of Dr. Boyd's Surrender is attached hereto and incorporated by reference.

**BRUCE E. PORTER, M.D., UTAH, MISSISSIPPI MEDICAL LICENSE NUMBER 18599**

Dr. Craig advised that Mickey Boyette, Board Investigator, had been working on this case for some time and now Dr. Porter has moved to Utah and did not renew his Mississippi medical license during the 2008-2009 renewal period. Dr. Craig and Mr. Boyette briefly covered problems with Dr. Porter as well as information received from IQH (Information and Quality Healthcare) after they reviewed several patient's files.

After a brief discussion, motion was made by Dr. Mayo, seconded by Dr. Gibson, and carried unanimously with Dr. Merideth voting present to offer Dr. Porter a reportable Consent Order wherein he agrees to never renew his Mississippi medical license or try to reinstate his license in Mississippi. If Dr. Porter does not wish to execute and return the proposed Consent Order in ten (10) days, he has the right to appear before the Board in an evidentiary hearing.

**JOSEPH PAUL WARD, CLARKSVILLE, AR, MISSISSIPPI MEDICAL LICENSE NUMBER 14255**

Dr. Craig advised that the Board had received information where action had been taken against Dr. Ward by the Arkansas State Medical Board. Dr. Craig advised that Dr. Ward did not renew his Mississippi medical license during the 2008-2009 renewal period.

After a brief discussion, motion was made by Dr. Mayo, seconded by Dr. Gibson, and carried unanimously with Dr. Merideth voting present to offer Dr. Ward a reportable Consent Order wherein he agrees not to ever renew his Mississippi medical license or try to reinstate his license in Mississippi. If Dr. Ward does not wish to execute and return the proposed Consent Order in ten (10) days, he has the right to appear before the Board in an evidentiary hearing.

## **EXECUTIVE COMMITTEE MINUTES**

**September 17, 2008**

**Page 4**

### **JENNIFER N. STILL, MERIDIAN, APPLICANT FOR LICENSURE**

Dr. Craig advised that the Board had received an application for licensure from Dr. Still. Dr. Still is a pediatrician and due to raising a family has not practiced in over three (3) years. Dr. Craig advised that Dr. Still is requesting that the Board accept her recent re-certification by the American Board of Pediatrics in lieu of being required to participate in a Board approved physician assessment program and/or clinical skills assessment program to assure competency.

After a brief discussion, motion was made by Dr. Gibson, seconded by Dr. Mayo, and carried unanimously with Dr. Merideth voting as present to accept Dr. Still's re-certification in granting her a Mississippi medical license.

### **BOOMI T. NATHAN, M.D., APPLICANT FOR LICENSURE**

Dr. Craig advised that the Board had received an application for licensure from Dr. Nathan and several problems have been revealed during the process. Dr. Craig advised that it had taken Dr. Nathan eight (8) years to graduate from medical school and numerous attempts to pass all steps of the USMLE. Dr. Craig advised that the Board had requested that Dr. Nathan explain the situations to the Board and he covered Dr. Nathan's response.

After a brief discussion, motion was made by Dr. Mayo, seconded by Dr. Gibson, and carried unanimously with Dr. Merideth voting present to invite Dr. Nathan to appear at the November Executive Committee meeting to address these issues.

### **UPDATE ON CHARLES S. KNIGHT, M.D., JACKSON, APPLICANT FOR REINSTATEMENT**

Dr. Craig advised that a letter had been sent to Dr. Knight's attorney, Joel Howell, dated July 22, 2008, with a proposed Surrender of medical license but that the Board had not received any response. Also, Dr. Craig advised that Dr. Knight had not contacted the Board to schedule a meeting with him in August and to date had not scheduled a September appointment as he had been instructed to do on a monthly basis.

After a brief discussion, motion was made by Dr. Mayo, seconded by Dr. Gibson, and carried unanimously with Dr. Merideth voting present to send Dr. Knight and his attorney another letter giving them ten (10) days to respond to the Board's proposed Surrender.



## **EXECUTIVE COMMITTEE MINUTES**

**September 17, 2008**

**Page 5**

### **JOHN O'DELL GERNERT, M.D., LONGWOOD, FL, MISSISSIPPI MEDICAL LICENSE NUMBER 20043**

Dr. Craig advised that the Board had received information that Florida and Tennessee had taken action against Dr. Gernert for performing wrong side surgery on a patient.

After a brief discussion, motion was made by Dr. Gibson, seconded by Dr. Mayo, and carried unanimously with Dr. Merideth voting present to issue Dr. Gernert a non-public Letter of Concern.

### **UPDATE ON NATUROPATHIC PHYSICIANS/MIDWIFERY**

Dr. Craig briefly discussed lay midwives and after a brief discussion, the Executive Committee unanimously agreed that the Board needs to work on legislation to forbid this practice in the state of Mississippi.

### **UPDATE ON THOMAS WEBBER GRAFTON, D.O., SENATOBIA, MISSISSIPPI MEDICAL LICENSE NUMBER 12613**

Dr. Craig briefly covered the chronological summary on Dr. Grafton and advised the Executive Committee that Dr. Grafton was at the Board on July 16, 2008, for an informal meeting to discuss several issues. Dr. Craig advised since that meeting the Board had received confirmation of a random positive urine screen. Also, Dr. Craig advised that the Board had received a letter from Gary D. Carr, M.D., Medical Director, Mississippi Professionals Health Program, advising advocacy had been withdrawn due to an alleged pattern of dishonesty, manipulation, and failure to comply with his contract.

After a brief discussion, motion was made by Dr. Mayo, seconded by Dr. Gibson, and carried unanimously with Dr. Merideth voting present to issue an Order of Prohibition prohibiting Dr. Grafton from practicing medicine until such time as he undergoes a complete evaluation for impairment by a treatment facility approved by the Mississippi State Board of Medical Licensure, and is found capable of returning to the practice of medicine.

### **BACKUP PHYSICIANS FOR PHYSICIAN ASSISTANTS/NURSE PRACTITIONERS IN EMERGENCY ROOMS**

Dr. Craig advised that he had some concerns with the number of backup physicians that were on some of the protocols he had been reviewing. Dr. Craig advised that his main concern was if that many backup physicians were not aware of

## **EXECUTIVE COMMITTEE MINUTES**

**September 17, 2008**

**Page 6**

the protocols for each physician assistant and/or nurse practitioner working on their shift.

After a brief discussion, the Executive Committee unanimously agreed that they did not see any problem with the way emergency rooms are currently handling this issue, but that it will be brought to the Board's attention on Thursday, September 18, 2008, for input.

### **PERSONAL APPEARANCE BY SIDNEY KELTON PACE, M.D., OXFORD, MISSISSIPPI MEDICAL LICENSE 13638**

Dr. Pace joined the meeting and was represented by legal counsel, Joel Howell. Dr. Pace had executed a written agreement for this informal meeting, a copy of which is attached hereto and incorporated by reference.

Dr. Craig briefly summarized the actions taken by the Alabama Medical Board against Dr. Pace for internet prescribing and advised the Executive Committee that Dr. Pace had been invited to the meeting today to address the issue and answer any questions from the committee members.

Dr. Pace addressed the Executive Committee and briefly advised that he had been involved with prescribing non-scheduled medications to patients whom he had no prior contact. Dr. Pace advised that the patients had taken on-line questionnaires and he used this information without any diagnostic assessment to ensure the appropriate utilization of medications. Also, Dr. Pace advised that he realizes there were no safeguards in place to protect the patients from possible complications. Dr. Pace said that he regretted his involvement in this type of practice and that he knew he must accept responsibility for his actions and that he was here today to Surrender his Mississippi medical license in lieu of any disciplinary action and look for job opportunities in the medical research area.

After a brief discussion and explanations to Dr. Pace concerning several options, the Executive Committee unanimously agreed that they would take Dr. Pace's request under advisement.

### **REVIEW OF SEPTEMBER 18, 2008, BOARD AGENDA**

Dr. Craig briefly reviewed the agenda for tomorrow's meeting.

**EXECUTIVE COMMITTEE MINUTES**

**September 17, 2008**

**Page 7**

**ADJOURNMENT**

There being no further business, the meeting adjourned at 3:30 p.m.



---

**Don A. Gibson**  
**Presiding Board Member**

Minutes taken and transcribed  
by Sherry Harris  
Staff Officer  
September 17, 2008

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

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

**OF**

**SANDEEP MELLACHERUVU, M.D.**

**SURRENDER OF MEDICAL LICENSE**

**WHEREAS**, SANDEEP MELLACHERUVU, M.D., hereinafter referred to as "Licensee," is the current holder of Medical License Number 19870, issued July 16, 2007, to practice medicine in the State of Mississippi;

**WHEREAS**, on or about August 20, 2007, until November 9, 2007, Licensee voluntarily entered the Professionals Program at Elmhurst Memorial Healthcare in Elmhurst, Illinois, and received treatment for chemical addiction, sexual inappropriate behavior, and management of his depression. During Licensee's treatment at Elmhurst, Licensee admitted to having become addicted to Ketamine and having been hospitalized twice for Ketamine abuse while Licensee was an Anesthesiology resident in India. Licensee also admitted to IV Buprenorphine, Cocaine and Alcohol abuse and diverting drugs from hospitals in India and the United States;

**WHEREAS**, on or about January 9, 2008, a complaint filed with the University Medical Center in Jackson, Mississippi, where Licensee had been practicing, alleged that Licensee attempted to kiss a patient in the hospital's psychiatric clinic. A second complaint involved Licensee at the Behavioral Health Center in Tupelo, Mississippi, where Licensee kissed a female patient, followed by her fellating him but no intercourse. Licensee later invited the patient to visit him at his motel room in Tupelo and telephoned

her on her telephone. Licensee, when confronted about this patient, admitted telephoning the patient but denied any sexual contact with the patient. Licensee was placed on probation and told he was in jeopardy of losing his position if any other reasonably credible allegation regarding inappropriate behavior recurred. Both of these women were known victims of child sexual abuse;

**WHEREAS**, Licensee resigned from his Residency program at the University of Mississippi Medical Center and his moonlighting position at the North Mississippi Behavioral Health Center on May 16, 2008;

**WHEREAS**, in response to the above information, the investigative staff of the Mississippi State Board of Medical Licensure conducted an independent investigation and has determined that reasonable cause exists to believe that Licensee is in violation of Mississippi Code Ann. Section 73-25-29;

**WHEREAS**, such conduct, if established in a due process hearing before the Board, would constitute unprofessional, dishonorable or unethical conduct in violation of Mississippi Code Ann. 73-25-83(a)(c), being grounds for which the Mississippi State Board of Medical Licensure may place Licensee's medical license on probation, the terms of which may be set by the Board, suspend his right to practice for a time deemed proper by the Board, revoke said license, or take any other action in relation to said license as the Board may deem proper under the circumstances;

**WHEREAS**, Licensee wishes to avoid an evidentiary hearing before the Board by voluntarily relinquishing his right to practice medicine in the State of Mississippi;

**NOW, THEREFORE**, Licensee hereby voluntarily surrenders his medical license (Number 19870) to practice medicine in the State of Mississippi. Licensee understands that this is an unconditional surrender, is reportable as disciplinary action to the National

Practitioner Data Bank, and is a public record of the State of Mississippi. In the event Licensee later decides to practice medicine in the State of Mississippi, it will be necessary for him to submit a new application with the Board. At such time, the Board reserves the right to utilize all evidence, including all facts developed during the current investigation, as part of the consideration of any application.

EXECUTED this the 14<sup>th</sup> day of JULY, 2008.

Sandeep Mellacheruvu  
SANDEEP MELLACHERUVU, M.D.

ACCEPTED AND APPROVED this the 14<sup>th</sup> day of July, 2008, by the  
Mississippi State Board of Medical Licensure.

Philip Meredith  
President  
Mississippi State Board of Medical Licensure

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

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

**OF**

**LARRY CHARLES BOYD, M.D.**

**SURRENDER OF MEDICAL LICENSE**

**WHEREAS, LARRY CHARLES BOYD, M.D.**, hereinafter referred to as "Licensee," is the current holder of License Number 19429 issued on July 31, 2006, to practice medicine in the State of Mississippi;


**WHEREAS**, the Investigative Staff of the Board conducted a comprehensive investigation into the medical practice of Licensee in Indianola, Mississippi, and documented evidence indicating that Licensee has violated the Rules and Regulations of the Board, "Pertaining to Prescribing, Administration, and Dispensing of Medication," and has administered, dispensed or prescribed narcotic drugs or other drugs having addiction-forming or addiction-sustaining liability otherwise than in the course of legitimate professional practice;

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

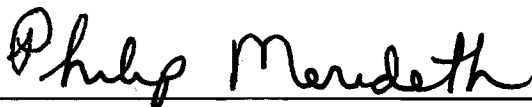
**WHEREAS**, Licensee wishes to avoid an evidentiary hearing before the Board by voluntarily relinquishing his right to practice medicine in the State of Mississippi:

NOW, THEREFORE, Licensee hereby voluntarily surrenders his medical license (Number 19429) to practice medicine in the State of Mississippi. Licensee understands that this is an unconditional surrender, is reportable as disciplinary action to the National Practitioner Data Bank, and is a public record of the State of Mississippi. In the event Licensee later decides to practice medicine in the State of Mississippi, it will be necessary for him to submit a new application with the Board. At such time, the Board reserves the right to utilize all evidence, including all facts developed during the current investigation, as part of the consideration of any application.

EXECUTED this the 30<sup>th</sup> day of July, 2008.

  
\_\_\_\_\_  
Larry Charles Boyd, M.D.

ACCEPTED AND APPROVED this the 4<sup>th</sup> day of August, 2008 by the  
Mississippi State Board of Medical Licensure.

  
\_\_\_\_\_  
Philip T. Merideth, M.D., J.D., President  
Mississippi State Board of Medical Licensure



**AGREEMENT TO APPEAR INFORMALLY BEFORE EXECUTIVE COMMITTEE**

I, Sidney Kelton Pace, 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: Joel Howell)

without legal counsel present

EXECUTED, this the 17<sup>th</sup> day of September, 2008.

Sidney Kelton Pace

Witness:

Joel Howell

**BOARD MINUTES  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
SEPTEMBER 18, 2008**

The regularly scheduled meeting of the Mississippi State Board of Medical Licensure was held on Thursday, September 18, 2008, in the Board Room of the Office of the Board located at 1867 Crane Ridge Drive, Jackson, Mississippi.

The following members were present:

Philip T. Merideth, M.D., J.D., Jackson, President  
Don A. Gibson, M.D., Richland, Vice President  
William S. Mayo, D.O., Oxford, Secretary  
Larry B. Aycock, M.D., McComb  
Dewitt G. Crawford, M.D., Louisville  
Virginia M. Crawford, M.D., Hattiesburg  
A. Wallace Conerly, M.D., Jackson  
S. Randall Easterling, M.D., Vicksburg

Also present:

H. Vann Craig, M.D., Director  
Stan T. Ingram, Complaint Counsel for the Board  
Ellen O'Neal, Assistant Attorney General  
Rhonda Freeman, Bureau Director, Licensure Division  
Thomas Washington, Bureau Director, Investigative Division  
Frances Scott, Special Projects Officer, Investigative Division  
Sherry Harris, Staff Officer  
Wesley Breland, Hattiesburg, Consumer Health Committee

Not present:

Cecil R. Burnham, Jackson, Consumer Health Committee  
Martha Thompson, Oxford, Consumer Health Committee

The meeting was called to order at 9:00 a.m. by Dr. Merideth, President. The invocation was given by Dr. Craig and the pledge was led by Dr. Merideth. Dr. Merideth welcomed Melissa Magee, Court Reporter, and extended a welcome to all visitors present at the meeting.

Dr. Merideth opened the floor for public comments. Linda Sullivan, RN, DSN, with the Board of Nursing advised that she had distributed a letter from Dr. Melinda Rush and Dwayne Self, RN, from the Board of Nursing dated September 17, 2008, explaining their concerns with the Mississippi State Board of Medical Licensure and a proposed QA/QI program. Linda McMullen, Deputy Director and General Counsel,

**BOARD MINUTES**  
**September 18, 2008**  
**Page 2**

Mississippi State Medical Association, advised that they took the blame for the fax that was sent out to all member physicians, and that as soon as they realized the error had re-sent the correct information. Ms. McMullen advised that the Medical Board was not involved and had no knowledge of the fax that was sent from the Medical Association. Ricki Garrett, Executive Director, Mississippi Nurses' Association expressed concern with the Medical Board limiting the physicians to two (2) primary nurse practitioners and how it would impact care in rural areas.

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

Larry Booth Aycock, M.D., McComb, and Philip Taylor Merideth, M.D., J.D., Jackson, were administered the Oath of Office by Melissa Magee, Court Reporter, copies of which are attached hereto and incorporated by reference.

Dr. Aycock was reappointed to represent the Second Supreme Court District for a term of six (6) years ending on June 30, 2014. Dr. Merideth was reappointed to represent the First Supreme Court District for a term of six (6) years ending on June 30, 2014.

**APPROVAL OF CERTIFICATION OF MISSISSIPPI LICENSES TO OTHER ENTITIES FOR THE PERIOD JULY 01, 2008, THROUGH AUGUST 31, 2008**

Two hundred sixteen (216) licenses were certified to other entities for the period July 01, 2008, through August 31, 2008. Motion was made by Dr. Easterling, seconded by Dr. Aycock, and carried unanimously to approve these certifications with Dr. Merideth voting present.

**APPROVAL OF LICENSES ISSUED FOR THE PERIOD JULY 01, 2008, THROUGH AUGUST 31, 2008**

Ninety-four (94) licenses were issued for the period July 01, 2008, through August 31, 2008. Motion was made by Dr. D. Crawford, seconded by the Dr. Mayo, and carried unanimously to approve these licenses with Dr. Merideth voting present.

**REVIEW OF MINUTES OF THE EXECUTIVE COMMITTEE MEETING DATED JULY 09, 2008, AND MINUTES OF THE BOARD MEETING DATED JULY 10, 2008**

Minutes of the Executive Committee meeting dated July 09, 2008, and Minutes of the Board meeting dated July 10, 2008, were reviewed. Dr. Aycock moved for approval of the minutes as submitted. Dr. Gibson seconded the motion, and it carried unanimously with Dr. Merideth voting present.

**BOARD MINUTES**  
**September 18, 2008**  
**Page 3**

**REPORT OF SEPTEMBER 17, 2008, EXECUTIVE COMMITTEE MEETING**

Dr. Craig advised that the Executive Committee had accepted voluntary Surrenders of licenses from: Sandeep Mellacheruvu, M.D., and Larry Charles Boyd, M.D. Also, Dr. Craig advised that the Executive Committee had agreed to prepare and mail Bruce Edward Porter, M.D., and Joseph Paul Ward, M.D., a proposed Agreed Order not to renew or seek reinstatement of their medical license and allow them ten (10) days to accept the Order or appear before the Board in an evidentiary hearing. Dr. Craig advised that an Agreed Order of Reprimand will be sent to Radwan Khuri, M.D., and Dr. Khuri will be given ten (10) days to accept the Order or appear before the Board in an evidentiary hearing. Information pertaining to the Executive Committee's disciplinary actions are included in the Executive Committee Minutes dated September 17, 2008.

Motion was made by Dr. Mayo, seconded by Dr. Easterling, and carried unanimously to ratify the actions of the Executive Committee with Dr. Merideth voting present.

Dr. Craig advised the Board that Thomas Washington, Bureau Director of Investigations, was the newly appointed president of Mississippi's first Chapter (18<sup>th</sup> Chapter) of the National Association of Drug Diversion Investigators (NADDI). Mr. Washington addressed the Board and handed out a pamphlet from the National Association of Drug Diversion Investigators providing information of the top abused prescription drugs.

**REPORTS FROM COMMITTEES**

**Consumer Health** - Mr. Breland (Chair), Ms. Thompson, Mr. Burnham

Mr. Breland advised there was no new information to report.

**Education & Workforce** - Dr. Conerly (Chair), Dr. D. Crawford, Dr. Mayo

Dr. Crawford advised that he had attended a Workforce meeting yesterday and in order to provide accurate workforce data passed out a sheet of information that the Workforce Group was requesting be added to our license renewal forms. After a brief discussion and several motions which were amended, the final amended motion was made by Dr. Mayo, seconded by Dr. Gibson, and carried unanimously, with Dr. Merideth voting present, to add a question on the license renewals that would provide the percent of time spent working at each practice location.

**BOARD MINUTES**  
**September 18, 2008**  
**Page 4**

**Scope of Practice - Dr. V. Crawford (Chair), Dr. Easterling, Dr. Aycock**

Dr. Crawford advised there was no new information to report.

Dr. Craig requested that the Committee review Arizona's recently adopted guidelines concerning specialty specific license and propose similar guidelines for Mississippi.

**Professional Health Program - Dr. Gibson (Chair), Dr. Mayo, Dr. Merideth**

Dr. Gibson advised there was no new information to report.

**Rules, Regulation & Legislative - Dr. Easterling (Chair), Dr. D. Crawford**

Dr. Easterling advised there was no new information to report.

**Ethics - Dr. Merideth (Chair), Dr. V. Crawford, Dr. Conerly**

Dr. Merideth advised there was no new information to report.

**Electronic Medical Records - Dr. Aycock (Chair), Dr. V. Crawford, Dr. Mayo**

Dr. Aycock advised that in the back of the booklets under Appendix M was a request from The Drug Enforcement Administration (DEA) with a September 25, 2008, response due requesting comments on the proposed regulations allowing electronic prescriptions for controlled substances. After a brief discussion, the Board requested that Dr. Craig respond that the Mississippi Board is in favor of the regulation and to address the Board's concerns for any diversion of information.

Also, the Board asked Dr. Craig to invite the Pharmacy Board to an upcoming meeting to address this issue.

**THE BOARD RECESSED AT 9:55 A.M. AND RETURNED AT 10:10 A.M.**

**PRESENTATION BY SCOTT HAMBLETON, M.D., THE OXFORD CENTRE**

Scott Hambleton, M.D., of The Oxford Centre, a facility that offers substance abuse treatment including treatment for impaired physicians, addressed the Board and thanked them for the opportunity to share the programs that are offered at their treatment facility. Dr. Hambleton advised he was here today to request that The Oxford Centre be added to the Board's approved list of facilities to be utilized.

**BOARD MINUTES**  
**September 18, 2008**  
**Page 5**

After a brief discussion, motion was made by Dr. Easterling, seconded by Dr. D. Crawford, and carried unanimously with Dr. Merideth voting as present, to approve The Oxford Centre's program and add them to the Board's approved list.

**DR. MERIDETH EXITS THE MEETING AT 10:30 A.M. AND ADVISES THAT DR. GIBSON WILL CHAIR THE REMAINING PORTIONS OF TODAY'S MEETING**

**APPEARANCE BY MARK L. BURTMAN, M.D., COLUMBUS, MISSISSIPPI MEDICAL LICENSE NUMBER 18110**

Dr. Burtman was present at the meeting and represented by Hal H. H. McClanahan, III, Esq.

Stan Ingram, Complaint Counsel for the Board, addressed the Board and introduced Dr. Burtman and Mr. McClanahan to the Board members. Mr. Ingram advised that Dr. Burtman had submitted a proposed Consent Order to the Board and was here today requesting the Board's approval and to address any questions that may arise. Mr. Ingram briefly discussed a chronological summary of the events leading to the proposed Consent Order and opened the floor for questions from the Board.

After a brief discussion and several questions, a motion was made by Dr. Aycock, seconded by Dr. Easterling, and carried unanimously that the Board enter into Executive Session to consider the proposed Consent Order, a matter that could possibly be a disciplinary issue.

Upon a motion by Dr. V. Crawford, seconded by Dr. Conerly, and carried unanimously the Board came out of Executive Session at which time Dr. Gibson asked Dr. Mayo to report on the Board's decision. Dr. Mayo announced that the Board rejected the Consent Order and offered the same Consent Order with the addition of staying the one (1) year suspension after three (3) months served. Said period of actual suspension is to begin on 10/19/2008 and ends on 01/19/2009. A copy of the Consent Order is attached hereto and incorporated by reference. Dr. Burtman and his attorney accepted the terms of the Consent Order offered by the full Board.

**SHOW CAUSE HEARING IN THE CASE OF STEVEN KANIADAKIS, D.P.M., APPLICANT**

Dr. Kaniadakis was present but not represented by legal counsel. Ms. O'Neal, Assistant Attorney General, questioned Dr. Kaniadakis regarding legal representation, and Dr. Kaniadakis stated that he wished to waive his right to an attorney and proceed without legal counsel. Ms. O'Neal also questioned Dr. Kaniadakis about waiving the thirty (30) day notice that was listed in his Summons and Affidavit and he agreed that

**BOARD MINUTES**  
**September 18, 2008**  
**Page 6**

he wished to waive that right and proceed with the hearing today.

Mr. Ingram addressed the Board and advised that he and Dr. Kaniadakis had agreed that he would present the Board's information first, and then Dr. Kaniadakis would respond. Mr. Ingram entered exhibits into the record and briefly summarized the facts listed in the Summons and Affidavit.

Dr. Kaniadakis was called to the witness stand and was sworn in by the court reporter before he addressed the Board. Dr. Kaniadakis presented his case and advised that he was regretful of his wrongful acts, and that he had served his time and wanted the move on with his life. Dr. Kaniadakis entered several exhibits and explained the events leading up to his hearing today.

Upon a motion by Dr. Aycock, seconded by Dr. Mayo, and carried unanimously the Board went into Executive Session to discuss a matter that could possibly be a disciplinary issue.

Upon a motion by Dr. Conerly, seconded by Dr. Easterling, and carried unanimously the Board came out of Executive Session at which time Dr. Gibson asked Dr. Mayo to report on the Board's decision. Dr. Mayo announced that the Board moved to deny licensure based on Mississippi Code Ann. 73-27-13 (1) (f), 73-27-13 (1) (h) (iv) and 73-27-13 (l) (i). A copy of the Order Denying Application for License is attached hereto and incorporated by reference.

A verbatim account of this proceeding was recorded by Melissa Magee, Court Reporter.

**THE BOARD RECESSED FOR LUNCH AT 12:35 P.M. AND RETURNED AT 1:20 P.M.**

**DR. EASTERLING DID NOT RETURN FOR THE AFTERNOON SESSION**

**MANUAL RENEWAL FEE INCREASE FOR 2010**

In an attempt to encourage on-line renewals, Dr. Craig requested approval to increase the renewal fee from \$200.00 to \$225.00 for paper licensure renewals. Motion was made by Dr. D. Crawford, seconded by Dr. V. Crawford, and carried unanimously to increase the 2009 paper renewals to \$225.00.

**CONFIRMATION OF FY 2010 BUDGET**

Dr. Craig briefly discussed the FY 2010 budget that was submitted. Motion was made by Dr. Aycock, seconded by Dr. Mayo, and carried unanimously to approve the Board's budget request.

**EXPIRED LICENSURE LISTS**

For informational purposes only, Dr. Craig briefly discussed the lists for the physicians and physician assistants that did not renew their Mississippi medical license by June 30, 2008. A copy of the lists is attached hereto and incorporated by reference.

**BACKUP PHYSICIANS FOR PHYSICIAN ASSISTANTS IN EMERGENCY ROOMS**

For informational purposes only, Dr. Craig advised that there were some concerns with the number of backup physicians that were on some of the protocols, mainly in emergency rooms, that he had been reviewing. Dr. Craig advised that this matter had been discussed at the Executive Committee meeting and the Executive Committee unanimously agreed that they did not see an easy solution to the problem.

Linda Sullivan, RN, DSN, with the Board of Nursing, advised that this is due to the number of nurse practitioners and physicians in the emergency room pools. Dr. Sullivan advised that the physicians are aware of the nurse practitioner's protocols.

**LETTER FROM MISSISSIPPI ACADEMY OF PHYSICIAN ASSISTANTS**

For informational purposes only, Dr. Craig advised that the Board had received a letter from the MS Academy of Physician Assistants providing information relative to their biannual DEA CME Course. Motion was made by Dr. Gibson, seconded by Dr. Mayo, and carried unanimously to approve the DEA CME Course.

**LETTER FROM MISSISSIPPI STATE BOARD OF PHYSICAL THERAPY  
CONCERNING EMG**

Dr. Craig advised that the Board had received a response from the Physical Therapy Board concerning EMG. After a brief discussion, the Board decided that the Scope of Practice Committee should meet to review the material and formulate a reply to the Physical Therapy Board.



**PROPOSED AMENDMENT TO LICENSURE REGULATION GOVERNING THE PRACTICE OF PODIATRISTS**

Dr. Craig advised that the proposed changes to the podiatry regulation were covered in his recent meeting with the Podiatry Advisory Committee. Motion was made by Dr. D. Crawford, seconded by Dr. Mayo, and carried unanimously of the Board's intent to adopt the proposed amendment concerning the regulation governing the practice of podiatrists. A copy of the proposed amendment is attached hereto and incorporated by reference. The proposed amendment of the regulation will be filed with the Secretary of State under the Administrative Procedures Act.

**FINAL ADOPTION OF AMENDED REGULATION CONCERNING COLLABORATION/CONSULTATION WITH NURSE PRACTITIONERS / COMMENTS RECEIVED**

Dr. Craig advised that there were several comments that had been received concerning this regulation. Linda Sullivan, RN, DSN, Board of Nursing advised that they also had received several comments and that this matter would not come before their Board until their meeting scheduled for October 2, 2008.

After a brief discussion about the comments received, motion was made by Dr. V. Crawford, seconded by Dr. D. Crawford, and carried unanimously to defer voting on the amended regulation until the Board of Nursing has their meeting.

Linda McMullen, Deputy Director and General Counsel, Mississippi State Medical Association, advised that they had only received one (1) negative phone call concerning the suggested changes.

**MEDIA RELEASE FROM MISSISSIPPI ACADEMY OF FAMILY PHYSICIANS**

Dr. Craig advised that Dr. Dewitt Crawford was recently installed as president of the Mississippi Academy of Family Physicians. The Board congratulated Dr. D. Crawford on this accomplishment.

**BOARD MINUTES**  
**September 18, 2008**  
**Page 9**

**ADJOURNMENT**

The meeting adjourned at 2:10 p.m., with the next meeting scheduled for Thursday, November 20, 2008.



---

**DON A. GIBSON, M.D.**  
**PRESIDING BOARD MEMBER**

Minutes taken and transcribed  
by Sherry Harris  
Staff Officer  
September 18, 2008

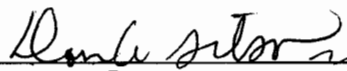
**EXECUTIVE SESSION**  
**MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**  
**September 18, 2008**

**AGENDA ITEM: X. Hearing in the case of Mark L. Burtman, M.D.**

**Motion was made by Dr. Easterling, seconded by Dr. Mayo, and carried by a majority to reject the proposed Consent Order and offer the same Consent Order with the addition of stayed suspension after 3 months. The suspension time served will start in 30 days.**

<u>VOTE:</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Larry B. Aycock, M.D.	Voted present			
A. Wallace Conerly, M.D.	X			
Dewitt G. Crawford, M.D.	X			
Virginia M. Crawford, M.D.	X			
S. Randall Easterling, M.D.	X			
Don A. Gibson, M.D.		X		
William S. Mayo, D.O.	X			
Philip T. Merideth, M.D., J.D.				X

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

  
\_\_\_\_\_  
Don A. Gibson, M.D.  
Presiding Board Member


**EXECUTIVE SESSION**  
**MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**  
**September 18, 2008**

**AGENDA ITEM: XI. Show Cause Hearing in the case of Steven Kaniadakis, DPM**

**Motion was made by Dr. Aycock, seconded by Dr. D. Crawford, and carried unanimously to deny his license based on Miss Code Ann 73-27-13 (f), Miss Code Ann 73-27-13 (H) (iv), and Miss Code Ann 73-27-13 (I) (i).**

<u>VOTE:</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Larry B. Aycock, M.D.	X			
A. Wallace Conerly, M.D.	X			
Dewitt G. Crawford, M.D.	X			
Virginia M. Crawford, M.D.	X			
S. Randall Easterling, M.D.	X			
Don A. Gibson, M.D.	X			
William S. Mayo, D.O.	X			
Philip T. Merideth, M.D., J.D.				X

With a motion by Dr. Conerly, seconded by Dr. Easterling, the Board came out of Executive Session.

  
\_\_\_\_\_  
Don A. Gibson, M.D.  
Presiding Board Member

## 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 18<sup>th</sup> day  
of September, 2008

Larry Booth Aycock

By Rhonda Freeman



## OATH OF OFFICE

I, Philip Taylor Merideth, M.D., J.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.

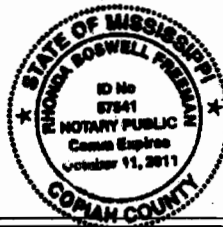
Subscribed and sworn to before me at

Jackson

Mississippi, this 18<sup>th</sup> day  
of September, 2008

Philip J. Merideth

By Rhonda Freeman



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

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

**OF**

**MARK LAVEN BURTMAN, M.D.**

**CONSENT ORDER**

**WHEREAS**, Mark Laven Burtman, M.D., hereinafter referred to as "Licensee," is the current holder of Mississippi Medical License Number 18110, and said license is current until June 30, 2009;

**WHEREAS**, the Investigative Staff of the Mississippi State Board of Medical Licensure conducted a comprehensive investigation into the medical practice of Licensee in Columbus and Forest, Mississippi, and has documented evidence indicating that Licensee, by violating the rules and regulations of the Board, "Pertaining to Prescribing, Administration and Dispensing of Medication," is guilty of unprofessional conduct which includes being guilty of dishonorable or unethical conduct likely to deceive, defraud or harm the public; and has administered, dispensed or prescribed drugs having addiction-forming or addiction-sustaining liability otherwise than in the course of legitimate professional practice;

**WHEREAS**, such conduct is in violation of the Mississippi Medical Practice Act specifically Mississippi Code Annotated, Section 73-25-29(3), (8)(d), (13) and Section 73-25-83(a), as amended, for which the Mississippi State Board of Medical Licensure may revoke the medical license of Licensee, suspend it for a time deemed proper by the Board or take any other action the Board may deem proper under the circumstances;

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

**NOW, THEREFORE**, the Mississippi State Board of Medical Licensure, with the consent of Licensee as signified by his joinder herein, does hereby suspend Licensee's Certificate (No. 18110) to practice medicine in the State of Mississippi for a period of one (1) year, with the suspension stayed after expiration of three (3) months, said period of actual suspension to begin 10/19/2008 and end 01/19/09. Following his return to practice, Licensee shall be subject to the following probationary terms and conditions, to-wit:

1. Licensee must attend and successfully complete courses designated as Category I Continuing Medical Education (CME) in proper prescribing of controlled substances and anorectic medication in the treatment of weight loss, ethics and medical record keeping, with said courses approved in advance by the Executive Director of the Board. Following completion of these courses, Licensee shall submit to the Board documentary proof of successful completion. This is in addition to the forty (40) hours of Category I CME requirements as cited in Chapter 07 of the Board's Rules and Regulations.
2. Licensee shall not be permitted to prescribe, dispense or administer any controlled substance, legend drug, over the counter (OTC) medication or herbal preparation for the treatment of obesity, weight loss or weight control. Licensee may continue to treat patients in a weight loss program utilizing a regimen of weight reduction based solely on caloric restriction, nutritional counseling, behavior modification and exercise, including but not limited to:



- a) Licensee shall not participate in nor conduct "weight loss seminars" or "group gatherings" such as the business he operated using the name of "Burtman Weight Loss." All weight loss patients shall be treated in Licensee's office/clinic setting and limited to his current obstetrical/gynecological practice location.
  - b) Licensee shall notify seminar participants/patients advising of the outlined terms and conditions in this Consent Order for treating weight loss. This is to be done in accordance with the Board's policy , Section 3, Policy 3.17, "Closing a Physician's Practice."
3. Licensee shall comply with all Federal and State Laws governing the practice of medicine and shall comply with the rules and regulations of the Board "Pertaining to Prescribing, Administration and Dispensing of Medication" as follows:
- a) Licensee shall maintain a complete record of his examination, evaluation and treatment of patients, including documentation of diagnosis and reason for prescribing, dispensing or administering any controlled substance; the name, dose, strength, quantity of the controlled substance and the date the controlled substance was prescribed, dispensed or administered.
  - b) Licensee shall not utilize pre-signed prescriptions and shall not delegate to non-physician personnel the responsibility of determining the type, dosage, form, frequency and application of controlled substances or other medication.

- c) All written prescriptions issued by Licensee shall be dated and signed on the day when issued and shall bear the full name and address of the patient.
4. Licensee's practice of medicine shall be subject to periodic surveillance by the Mississippi State Board of Medical Licensure to monitor compliance with any Board approved plan of practice. The Board's Executive Director, any member of the Board, or Investigative staff may perform a patient chart review of a representative sample of those patients treated by Licensee.
5. During the period of this Consent Order, Licensee shall be prohibited from utilizing the services of or collaborating with any Nurse Practitioner or Physician Assistant.
6. Licensee shall notify the Board within ten (10) days of any change in his practice location and/or change in employment, including leaving the State of Mississippi.
7. Pursuant to Miss Code Annotated, Section 73-25-30, Licensee shall pay all such investigative costs as are allowed by law. Licensee shall be advised of the total assessment by separate written notification, and shall have a certified check or money order made payable to the Mississippi State Board of Medical Licensure on or before forty-five (45) days from the date Licensee receives the aforementioned notification.
8. The stay of suspension shall be immediately removed without a hearing. In the event Licensee fails to comply with any or all of the conditions imposed in this Consent Order, Licensee shall be prohibited from practicing medicine until such time as a determination is made by the Board that Licensee is again

ready to return to the practice of medicine. Summary suspension pursuant to this paragraph shall be for an indefinite period of time, notwithstanding any term or right to petition for reinstatement provided herein. Violation of any provision(s) of the Medical Practice Act or the rules and regulations of the Board or of any order, stipulation or agreement with the Board, shall be grounds for the non-issuance, suspension, revocation or restriction of a license or the denial of reinstatement or renewal of a license.

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

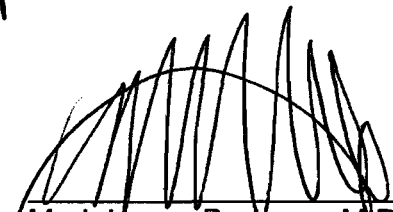
Acceptance and entry of this Consent Order shall constitute a full and complete resolution of all charges now pending against Licensee before the Board.

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


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

Recognizing his right to notice of charges specified against him, to have such charges adjudicated pursuant to Miss Code (1972) Annotated, Sections 73-25-27 and 73-25-83, 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, MARK LAVEN BURTMAN, M.D., nonetheless, hereby waives his right to notice and a formal adjudication of charges and authorizes the Board to enter this Consent Order, thereby suspending his license to practice medicine in the State of Mississippi for a period of one (1) year with the suspension stayed after expiration of three (3) months, which shall take effect thirty (30) days from the date of Board acceptance as specifically stated above, subject to those terms and conditions enumerated above.

Executed, this the 18<sup>th</sup> day of September, 2008.

  
\_\_\_\_\_  
Mark Laven Burtman, M.D.

**ACCEPTED AND APPROVED**, this the 18<sup>th</sup> day of September, 2008,  
by the Mississippi State Board of Medical Licensure.

  
\_\_\_\_\_  
Don A Gibson, M.D.  
Vice President

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

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

**OF**

**STEVEN KANIADAKIS, D.P.M.**

**ORDER DENYING APPLICATION FOR LICENSE**

**THIS MATTER** having come before the Mississippi State Board of Medical Licensure at its meeting on September 18, 2008, upon request by the Board that the above named Steven Kaniadakis, D.P.M., appear before the Board and show cause why his application for a license to practice podiatric medicine in the State of Mississippi should not be denied, and the Board, having heard Dr. Kaniadakis and reviewed all of the documents submitted relevant thereto, hereby makes the following findings of fact, conclusions of law, and order:

**Findings of Fact**

1. The Mississippi State Board of Medical Licensure is charged by law with the licensing of medical doctors and podiatrists in the state, under Title 73, Chapters 25 and 27, Mississippi Code Annotated.
2. On or about May 7, 2007, Steven Kaniadakis, D.P.M., hereinafter referred to as "Applicant," submitted his application for license to practice podiatric medicine in the State of Mississippi.
3. According to Applicant's sworn licensure application and supporting documentation, on or about December 23, 1999, a jury in the United States District

Court, District of Alaska (Cause Number: A:99CR00077-001), found Applicant guilty of sixteen (16) counts of health care fraud and forty-two (42) counts of mail fraud related to conduct of Applicant's podiatric medicine practice. Based on these convictions, Applicant was sentenced to serve sixty (60) months on each mail fraud count and sixty-five (65) months on each health care fraud count with all terms to run concurrently. Therefore, Applicant was sentenced to serve a total term of sixty-five (65) months incarceration.

4. On or about February 26, 2004, following an administrative disciplinary hearing, the Alaska State Medical Board adopted the hearing officer's Proposed Decision in its entirety and revoked Applicant's podiatric license.

5. Based on Applicant's protracted time away from practice (Applicant has been out of practice since 2000), Applicant was requested to complete an Assessment from the Center for Personalized Education for Physicians (CPEP) with the results to be submitted to the Mississippi State Board of Medical Licensure (hereinafter referred to as "the Board") once complete.

6. On May 8 and 9, 2008, Applicant submitted to an assessment by CPEP and authorized the results of the assessment to be submitted to the Board as requested. In relevant part, the assessment by CPEP, opined that Applicant demonstrated inadequate overall knowledge of podiatry, demonstrated gaps in understanding of podiatry and that overall, Applicant's knowledge, clinical judgment and reasoning were found by CPEP to be inadequate.

7. The Board finds that, based upon the aforementioned conduct, Applicant has previously been convicted of a felony or misdemeanor involving moral turpitude in

violation of Subsection (1)(f) of Section 73-27-13; is guilty of dishonorable or unethical conduct likely to deceive, defraud or harm the public in violation of Subsection(1)(h)(iv) of Section 73-27-13; and is guilty of having had Applicant's podiatric medical license revoked by a licensing authority of another state which prevents Applicant's practice of podiatric medicine in that state in violation of Subsection (1)(i) of Section 73-27-13 Mississippi Code Annotated. The Board further finds that Applicant is unable to practice podiatric medicine with reasonable skill and safety to patients by reason of the extended length of time since Applicant last practiced podiatric medicine as indicated by Applicant's CPEP assessment.

#### Conclusions of Law

Pursuant to Subsections (1)(f), (1)(h)(iv) and (1)(i) of Section 73-27-13, Mississippi Code Annotated, such acts constitutes grounds for which the Mississippi State Board of Medial Licensure may deny an application for a Mississippi license to practice podiatric medicine.

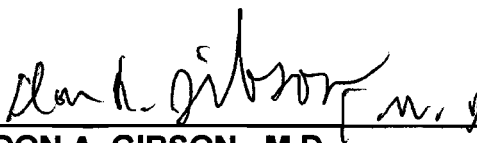
#### Order

**NOW THEREFORE**, the Board hereby denies the application of Dr. Kaniadakis to practice podiatric medicine in the State of Mississippi.

**SO ORDERED**, this the 18<sup>th</sup> day of September, 2008.

#### MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

BY:



**DON A. GIBSON, M.D.  
PRESIDING BOARD MEMBER**

TELEPHONE: (601) 987-3079



FAX: (601) 987-4159

## MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

August 1, 2008

### MEMORANDUM

TO: Mississippi State Medical Association  
Mississippi State Board of Pharmacy  
Mississippi State Board of Nursing  
Mississippi Academy of Physician Assistants  
Mississippi Hospital Association  
Mississippi Medicaid Commission  
Mississippi Bureau of Narcotics  
Information and Quality Healthcare  
Veterans Administration Medical Center, Jackson  
Blue Cross & Blue Shield, Jackson  
Disability Determination Services, Jackson  
Department of Health and Human Services, Dallas  
Medical Assurance Company of Mississippi  
Office of the Attorney General, State of Mississippi  
University of Mississippi School of Medicine  
Federation of State Medical Boards  
American Medical Association

FROM: H. Vann Craig, M.D., Executive Director 

SUBJECT: Notification of Status as Practicing without a Valid Mississippi Medical License  
Notification of Status as Practicing without a Valid Mississippi Physician Assistant License

According to records in this office, Mississippi physicians and physician assistants on the attached lists did not renew their licenses to practice in the State of Mississippi by June 30, 2008. These physicians and physician assistants were mailed a "Notification of Status as Practicing without a Valid Mississippi License" effective July 1, 2008, for failure to re-register their licenses.

HVC:rf

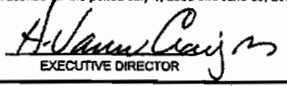
Attachment



**MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**  
**MISSISSIPPI PHYSICIANS LICENSE EXPIRATION 06/30/2008**  
**CURRENT MISSISSIPPI PHYSICIANS ASSISTANT**  
 PRINTED: 7/31/2008

License	Issued	Disciplinary	Name	Address	City	State	Zip
PA00064	05/18/2005	NO	CREEL, TRACY MICHELLE, MD	NORTH HILLS FAMILY MEDICAL CLINIC 5009 HWY 493	MERIDIAN	MS	39305
PA00100	09/04/2007	NO	JACKSON, ERIC ALFONZO, MD	BAPTIST MEMORIAL HOSPITAL-DESOTO 7801 SOUTHCREST PARKWAY	SOUTHAVEN	MS	38671
PA00097	06/18/2007	NO	MADDOX, LORI ELIZABETH, MD	NO PRIMARY PRACTICE ADDRESS ON FILE.			
PA00062	02/08/2005	NO	MAY, APRIL ANN, MD	208 N EUCLID	GRANDVIEW	WA	98930
PA00080	08/01/2006	NO	NASH, SHALEE LYNN, MD	BAPTIST MEMORIAL HOSPITAL-DESOTO 7801 SOUTHCREST PKWY	SOUTHAVEN	MS	38671
PA00058	10/04/2004	NO	WILBURN, CAROL PRIEZ, MD	NO PRIMARY PRACTICE ADDRESS ON FILE.			
PA00051	05/05/2004	NO	WITTER, AMY ELIZABETH, MD	NAVAL BRANCH HEALTH CLINIC SEABEE BASE-GULFPORT 550L MARVIN SHIELDS BLVD	GULFPORT	MS	39501
PA00094	06/04/2007	NO	ZOMERMAAND, HEIDI ALYSSA, MD	RUSH MEDICAL GROUP 1800 12TH ST	MERIDIAN	MS	39301

I certify that the names appearing on this list have not renewed their Mississippi licenses for the period July 1, 2008 thru June 30, 2009.

  
 EXECUTIVE DIRECTOR

Total number of physicians : 8

**MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**  
**MISSISSIPPI PHYSICIANS - LICENSE EXPIRATION 06/30/2008**  
**CURRENT MISSISSIPPI PHYSICIANS**  
 PRINTED: 7/31/2008

License	Issued	Disciplinary	Name	Address	City	State	Zip
16845	07/10/2000	NO	AARON, JOHN, MD	2147 WILMA RUDPOLPH BLVD	CLARKSVILLE	TN	37040
18990	08/27/2005	NO	ABRASLEY, CHRISTOPHER DALE, MD	UMC 2500 NORTH STATE STREET	JACKSON	MS	39216
15951	07/27/1998	NO	ACQUAH, EKOW, MD	MEMORIAL HOSPITAL AT GULFPORT 4500 THIRTEENTH ST	GULFPORT	MS	39502
03853	05/29/1987	NO	ALLEN, CHARLES HOUSTON, JR, MD	GRAND BAY MEDICAL CENTER 10075 GRAND BAY WILMER RD S	GRAND BAY	AL	36541
18324	03/17/1999	NO	AMACKER, LARRY BROWN, MD	UNITED HEALTH CARE OF LOUISIANA 3838 CAUSEY BLVD, STE 2600	METAIRIE	LA	70002
13851	08/09/1994	NO	ANDERSON, JOE PAT, MD	5591 HACKBERRY COVE	MEMPHIS	TN	38120-2408
18451	03/15/2004	NO	ATIQ, SHEILA JALAL, MD	BAPTIST MEMORIAL HOSPITAL 255 BAPTIST BLVE SUITE 403	COLUMBUS	MS	39705
17291	07/09/2001	NO	AUMONT, ELISA ELLEN, MD	ST. BERNADINE MEDICAL CENTER DEPARTMENT OF EMERGENCY MEDICINE 2101 N. WATERMAN AVE	SAN BERNARDINO	CA	92404
16030	08/17/1998	NO	AZZOUZ, MAHER, MD	JACKSON VA MEDICAL CENTER DIVISION OF DIGESTIVE DISEASES 1500 E. WOODROW WILSON BLVD.	JACKSON	MS	39218
20001	10/30/2007	NO	BAILEY, AARON SCOTT, MD	NIGHTTRAYS PA 825 WARREN WAY	RICHARDSON	TX	75080
14570	09/11/1995	NO	BALL, ROBERT, JR, MD	5 MARTIN COURT	EASTON	MD	21801
12638	06/09/1990	NO	BALLENTINE, MICHAEL STUART, DO	21818 W 51ST STREET	SHAWNEE	KS	66229
18584	09/27/2004	NO	BARCLIFF, SONG-HAI CLESTINE, MD	ARENIA C. MALLORY COUNTY HEALTH C. 17280 HWY 17S	LEXINGTON	MS	39095
05590	08/21/1998	NO	BATTAILE, NAJIBA ABUL HUSN, MD	2150 WHITNEY AVE	MEMPHIS	TN	38104
19440	08/07/2006	NO	BAUER, AMANDA FELDMAN, MD	USTELE MAMOGRAPHY QUANTUM MEDICAL RADIOLOGY 100 COLONY SQUARE, SUITE 1425	ATLANTA	GA	30361
19652	01/24/2000	NO	BEGGS, DANIEL SCOTT, MD	1095 HIGHWAY 15 SOUTH	HUTCHINSON	MN	55350
14139	09/26/1994	NO	BELL, KENNETH ALLEN, MD	NO PRIMARY PRACTICE ADDRESS ON FILE.			
05583	08/21/1988	NO	BESS, LLOYD GEORGE, MD	N. ARK. RADIOLOGY ASSOC. P.A. 1490 BYERS ST	BATESVILLE	AR	72501
13509	07/01/1993	NO	BETCHER, RUSSELL ANDERSON, MD	KNOXVILLE ORTHOPEDIC CLINIC 1128 WEISGARBER RD	KNOXVILLE	TN	37909
18004	03/24/2003	NO	BEVARD, BRENT DAVID, DO	ABQ HEALTH PARTNERS 5400 GIBSON BOULEVARD SOUTHEAST	ALBUQUERQUE	NM	87108
13099	04/03/1992	NO	BLAUDEAU, GUY E, MD	130 RIVERCHASE PARKWAY EAST	BIRMINGHAM	AL	35244
17248	06/18/2001	NO	BLTYHE, JAMES GRANVILLE, MD	NO PRIMARY PRACTICE ADDRESS ON FILE.			
18968	06/27/2005	NO	BORRA, RAJASEKHAR, MD	BAPTIST HOSPITAL DEPT OF MEDICINE 2520.5 TH STREET, N.	COLUMBUS	MS	39705
19877	07/24/2007	NO	BOSS, DONALD JEFFREY, MD	SUNSET RADIOLOGY INC 2301 ROSENCRANS AVE. #4150	EL SEGUNDO	CA	90245
10640	01/22/1986	NO	BOYD, JAMES WILSON, MD	620 CROSSOVER ROAD	TUPELO	MS	38901
19397	07/17/2006	NO	BRANDON, SCOTT CRAIG, MD	UMC-DEPT. OF ORTHOPAEDIC SURGERY 2600 N. STATE ST.	JACKSON	MS	39216
18703	10/11/2004	NO	BRAWLEY, JOHN GRAY, MD	SANTA CLARA VALLEY MEDICAL CENTER DIV. OF VASCULAR SURGERY, RM 5C030	SAN JOSE	CA	95128
19352	08/19/2006	NO	BRISLIN, BRIAN THOMAS, MD	751 S. BASCOM AVE	JACKSON	MS	39202
18540	06/07/2004	NO	BROWN, ANDY PAUL, MD	MS SPORTS MEDICINE & ORTHOPAEDIC CN 1325 E. FORTIFICATION ST	ASHEVILLE	NC	28902
17871	08/24/2002	NO	BROWN, GRETCHEN GODCHAUX, MD	ASHEVILLE RADIOLOGY ASSOCIATES 222 ASHLELAND AVE.			
17300	07/18/2001	NO	BUCKLEW, WILLARD BRUCE, MD	NO PRIMARY PRACTICE ADDRESS ON FILE.			
17544	03/04/2002	NO	BUCKLEW, WILLARD BRUCE, MD	151 JEFFERSON DAVIS BLVD STE H	NATCHEZ	MS	39120
18033	04/21/2003	NO	CALHOUN, DOUGLAS NEWTON, MD	1128 WEISGARBER RD	KNOXVILLE	TN	37909
11253	12/08/1986	NO	CAMPBELL, GEORGE BRECKENRIDGE, DO	1106 CENTRAL DRIVE, SUITE 1	PHILADELPHIA	MS	39350
08990	08/08/1974	NO	CANDAL, FRANCISCO JAVIER, MD	2240 GAUSE BLVD EAST	SLIDELL	LA	70481
14382	08/13/1995	NO	CARR, THOMAS MARTIN, JR, MD	587 S BELVEDERE BLVD	MEMPHIS	TN	38104
14143	10/03/1994	NO	CARY, GEORGE RIVES, MD	3434 PRYTHANIA ST #450	NEW ORLEANS	LA	70115
18891	04/04/2005	NO	CHEN, CHANG WEN, MD	CONCORD FAMILY PRACTICE 10430 LOVELL CENTER DR	KNOXVILLE	TN	37922
18925	08/14/2000	NO	CHRISTENSEN, ERIN K, MD	LOUISIANA WOMEN'S HEALTHCARE ASSOCI SUITE 500 9000 AIRLINE HWY	BATON ROUGE	LA	70815
19485	09/11/2008	NO	CLEMENT, KEVIN BRYAN, MD	ST. VINCENTS HOSPITAL ER 810 ST. VINCENTS DRIVE	BIRMINGHAM	AL	35205
14774	04/15/1996	NO	CLEMENTS, VICTORIA L, DO	AMORY PEDIATRICS CLINIC 1107 EARL FRYE BLVD. SUITE 5	AMORY	MS	38821
12238	07/11/1989	NO	COCHRAN, JANET MOORFIELD, MD	1463 DOUGLAS FIR DRIVE	LEBANON	PA	17042
17292	07/09/2001	NO	COCCO, JEFFREY WAYNE, MD	18 FLAMINGO ST.	NEW ORLEANS	LA	70124
16490	08/16/1999	NO	COISCOU, CARMEN ALEXANDRA, MD	TOMA HOSPITALIST 4802 NORTH ARMENIA AVENUE SUITE B-6	TAMPA	FL	33603
05348	08/15/1966	NO	CONDON, SIMON LIAM, MD	CENTRAL FLORIDA HOSPITALIST PTNRS. 211 SOUTH CENTRAL AVE	APOPKA	FL	32703
		NO	CORBAN, MAGRUDER SULLIVAN, MD	4314 WEST RAILROAD ST.	GULFPORT	MS	39601

License	Issued	Disciplinary Name	Address	City	State	Zip
10256	07/01/1984	NO	CORBETT, CHARLES MELVIN, MD	4930 GRAHAM LAKE DR	OLIVE BRANCH	MS 38654
07533	03/29/1976	NO	COURSEY, JOHN WILLIAM, MD	2301 ATKINSON ROAD APT 1-D	BILOXI	MS 39031
16892	06/07/2000	NO	CRIST, JENNIFER RAE, MD	SOUTH MS EMERGENCY PHYSICIANS FORREST GENERAL HOSPITAL 8051 HWY 49	HATTIESBURG	MS 39402
05777	08/11/1969	NO	CRITZ, FRANK ARCHIBALD, IV, MD	2549 LAWRENCEVILLE HWY	DECATUR	GA 30033
17627	06/03/2002	NO	CULPEPPER, CHANTAL RAYUNZA, MD	NO PRIMARY PRACTICE ADDRESS ON FILE.		
07283	08/04/1975	NO	CURRIE, RANDALL BYRON, MD	521 PARK HILL DRIVE	FREDERICKSBURG	VA 22401
10259	07/01/1984	NO	CURRIER, MARY MARGARET, MD	UNIVERSITY OF MS MEDICAL CENTER DEPARTMENT OF MEDICINE 2500 NORTH STATE ST	JACKSON	MS 39218
18683	09/20/2004	NO	CUTLER, ALEXANDRA S, MD	254 WEST 96 TH STREET #1A	NEW YORK	NY 10025
19289	04/17/2006	NO	D'SOUZA, SEAN BENEDICT, MD	UMC - DEPT. OF SURGERY 2500 N. STATE STREET	JACKSON	MS 39218
13238	06/29/1962	NO	DAKIN, KIM LAVERGNE, MD	1270 ATTAKAPAS DR. SUITE 201	OPELOUSAS	LA 70570
17301	07/16/2001	NO	DARILEK, ANDREA LYNN, MD	BILLINGS CLINIC - HOSPITALIST DEPT 2800 TENTH AVENUE NORTH PO BOX 3700	BILLINGS	MT 59107-7000
17801	09/30/2002	NO	DAVANZO, DAWN MARIE, MD	JACKSON MEDICAL CLINIC 501 MARSHALL STREET SUITE 208	JACKSON	MS 39202
17667	06/17/2002	NO	DAVIDSON, NETTIE NICHOLE, MD	GRAPEVINE HEALTH CARE ASSOCIATES 2020 WEST HWY. 114, SUITE 200	GRAPEVINE	TX 78051
18418	02/09/2004	NO	DAVIS, DERECK BERNARD, MD	451 RUIN CREEK RD. SUITE 101	HENDERSON	NC 27536
08630	08/05/1979	NO	DAVISON, ROBERT DALE, MD	4301 BAY POINT RD #478	PANAMA CITY BEACH	FL 32408
04659	08/20/1962	NO	DAY, LARRY HALE, MD	11 SHELTON CEDAR ROAD	MOSELLE	MS 39459
11027	07/01/1986	NO	DEAL, ROY W, MD	2003 WILSON AVENUE	PANAMA CITY	FL 32405
18799	01/24/2005	NO	DEYKIN, BRAD ASHLEY, MD	KEESLER MEDICAL CENTER 301 FISHER STREET	KEESLER AFB	MS 39534
19793	06/11/2007	NO	DODSON, DANIEL JACK, MD	TULANE UNIVERSITY DEPT. OF OPHTHALMOLOGY 1430 TULANE AVENUE	NEW ORLEANS	LA 70112
11351	07/01/1987	NO	DOTHEROW, DARLENE GREER, MD	198 PINE HILL DR	BRANDON	MS 39047-5299
19794	06/11/2007	NO	DUMITRAN, GABRIELA MONICA, MD	GUNDERSEN LUTHERAN MEDICAL CENTER 1900 SOUTH AVENUE	LA CROSSE	WI 54601
20110	02/12/2008	NO	DUNAVANT, WILLIAM DAVID, III, MD	6027 WALNUT GOVE ROAD #118	MEMPHIS	TN 38120
11199	09/09/1986	NO	DUNCAN, CHARLES ALMAN, MD	7950 FLOYD CURL DR. SUITE 620	SAN ANTONIO	TX 78229-0000
17928	01/13/2003	NO	EAMES, SANDRA LOUISE, MD	DISABILITY DETERMINATION SERVICES 1281 HWY 51 NORTH	MADISON	MS 39110
19230	02/27/2006	NO	EASLEY, RONALD BYRON, MD	ST DOMINICK/JACKSON MEMORIAL HOSPITAL 989 LAKELAND DR	JACKSON	MS 39218
11649	04/11/1988	NO	EBERLE, LOUIS VALENTINE, III, MD	6263 POPLAR AVE STE 1062	MEMPHIS	TN 38119
19253	03/13/2006	NO	EBERLE, TAMMY NEWMAN, MD	NO PRIMARY PRACTICE ADDRESS ON FILE.		
13090	03/16/1992	NO	EDWARDS, EUSTACE LOUIS, MD	WILLIS KNIGHTON PIERREMONT 8001 YOUREE DR	SHREVEPORT	LA 71115
80112	10/01/1992	NO	EDWARDS, VERSHEEN, DPM	FOOT AND SURGERY CLINIC 5901 RIDGEWOOD RD STE 200	JACKSON	MS 39211
17951	02/24/2003	NO	EGE, HILMI, MD	MARSHFIELD CLINIC WESTON CENTER DEPT OF ONCOLOGY 3501 CRANBERRY BLVD	WESTON	WI 54476
05921	12/04/1969	NO	EGGERTON, WILLIAM EUGENE, MD	NO PRIMARY PRACTICE ADDRESS ON FILE.		
19536	08/28/2007	NO	ELLIS, JAMES WILLIAM, DO	TALLAHATCHIE GENERAL HOSPITAL P. O. BOX 230	CHARLESTON	MS 38921
13466	06/08/1983	NO	ENTMAN, HOWARD, MD	6037 SHADY GROVE RD 8037 SHADY GROVE RD	MEMPHIS	TN 38120
18286	10/08/2003	NO	ERASLAN, AKIN NEFI, MD	670 CROSSOVER RD.	TUPELO	MS 38801
80028	07/01/1967	NO	EVANS, FRANK ELDRIDGE, DPM	1911 HOPKINS RD APT. N	RICHMOND	VA 23224
19148	12/05/2005	NO	EVANS, GREGORY FRANCIS FELIX, MD	VIRTUAL RADIOLOGY PROFESSIONALS 5985 OPUS PARKWAY, SUITE 200	MINNEAPOLIS	MN 55343
09105	06/04/1980	NO	EYRICH, GEORGE ALLAN, MD	1700 SPRINGHILL AVE	MOBILE	AL 36604
16382	06/21/1999	NO	FARIVAR-MOHSENI, HESAM, MD	WV UNIVERSITY, DIVISION OF UROLOGY NO 1 MEDICAL CENTER DRIVE 6TH FLOOR HSC S MED CENTER	MORGANTOWN	WV 26506
02455	06/19/1946	NO	FEATHERSTON, JOHN SMITH, MD	NO PRIMARY PRACTICE ADDRESS ON FILE.		
17803	09/30/2002	NO	FERRERI, SAMUEL WILLIAM, MD	BRANSON WEST MEDICAL CARE 18452 STATE HIGHWAY 13	BRANSON WEST	MO 65737
17101	02/28/2001	NO	FINNEN, NEIL PATRICK, MD	WEST TN EYE CARE, P.C. 569 SKYLINE DRIVE SUITE 200	JACKSON	TN 38301
04739	08/20/1962	NO	FISHER, LUTHER CALVIN, III, MD	15025 THOMPSON RD	FOLSOM	LA 70437
06634	06/15/1973	NO	FLAMM, MARTIN BENJAMIN, MD	10401 WEST BURNS DRIVE	SUN CITY	AZ 85351
08730	06/07/1979	NO	FLEMMING, HENRY FORREST, JR., MD	2119 EAST SOUTH BLVD	MONTGOMERY	AL 36115-2409
03883	06/29/1957	YES	FLOWERS, WILLIAM MELVIN, JR., MD	UMC DEPT OF RADIOLOGY 2500 N STATE ST UNIV OF MS MEDICAL CENTER	JACKSON	MS 39218
17265	06/25/2001	NO	FOSS, JOHN DUDLEY, MD	ADULT CARE OF AUSTIN, PA 7201-8 MANCHACA ROAD	AUSTIN	TX 78745
19665	09/17/2007	NO	FREI-LAHR, DEBRA ANN, MD	MEDICAL UNIVERSITY OF SOUTH CAROLIN 171 ASHLEY AVE.	CHARLESTON	SC 29425
09385	05/28/1981	NO	FRESH, CHESTER BABSON, MD	3704 NORTH BLVD, SUITE C	ALEXANDRIA	LA 71301-3606
19718	04/02/2007	NO	FREYFOGLE, EDWARD B, MD	SINGING RIVER HEALTH SYSTEM 2101 HIGHWAY 90	GALTIER	MS 39553
18704	10/11/2004	NO	FULK, DANIEL RAYMOND, DO	NAVAL AIR STATION 1801 FULLER RD SUITE A	GAULTIER	MS 39553
19366	08/26/2006	NO	GAMMILL, WILLIAM ANDREW, DO	USAMC 2451 FILLINGIM ST.	MERIDIAN	MS 38309
					MOBILE	AL 36617

License	Issued	Disciplinary Name	Address	City	State	Zip
03593	08/27/1955	NO	GARY, LLOYD EDWIN, MD	NO PRIMARY PRACTICE ADDRESS ON FILE.		
18915	08/06/2005	NO	GILL, HIMMAT SINGH, MD	DEPT OF RHEUMATOLOGY UMC 2500 NORTH STATE ST	JACKSON	MS 39216
16275	04/05/1999	NO	GLENN, MARTHA ELIZABETH, MD	BAPTIST WOMEN'S HEALTH CENTER 6215 HUMPHREYS BLVD., STE 100	MEMPHIS	TN 38120
17266	09/25/2001	NO	GOSCHE, JOHN ROBERT, MD	2040 W CHARLESTON BLVD. SUITE 601	LAS VEGAS	NV 89102
14549	08/28/1995	NO	GOWESKY, BRENDA ANNE, MD	BILOXI VETERANS HOSPITAL 400 VETERANS AVENUE	BILOXI	MS 39532
18318	11/10/2003	NO	GRACE, SEAN PATRICK, MD	MS SPORTS MEDICINE & ORTHOPAEDIC CN 1325 E. FORTIFICATION ST	JACKSON	MS 39202
19172	01/09/2006	NO	GREENE, LYNNE MICHELLE, MD	2301 S. LAMAR BLVD.	OXFORD	MS 38655
14302	04/03/1995	NO	GRIGSBY, BENSON A, MD	401 E. VAUGHN	RUSTON	LA 71270
05439	09/07/1987	NO	GRISSOM, CHARLES EDGAR, MD	FORREST GENERAL HOSPITAL 6051 HWY 49	HATTIESBURG	MS 39402
16043	05/05/2003	NO	GROVER, WILLIAM HOWELL, MD	MEMORIAL HOSPITAL OF GULFPORT 4500 13TH STREET	GULFPORT	MS 39501
08349	08/08/1978	NO	GRUCH, CHARLES JOSEPH, MD	2358 PASS RD STE 100	BILOXI	MS 39531
03061	08/20/1951	NO	GUNN, WALTER DILL, MD	NO PRIMARY PRACTICE ADDRESS ON FILE.		
18206	08/18/2003	NO	HAI, HAMID ABDUL, MD	620 S MADISON #202	ENID	OK 73701
13822	05/23/1994	NO	HAIRSTON, RICHARD JOSEPH, MD	THE EYE INSTITUTE OF WEST FLORIDA 148 13TH ST SW	LARGO	FL 33770
15575	09/08/1997	NO	HAKIM, SAMUEL, MD	SECTION OF UROLOGY WILFORD HALL USAF MEDICAL CENTER 2200 BERGQUIST DR. STE 1	LACKLAND AFB	TX 78236
17983	02/24/2003	NO	HALPERT, ROBERT DAVID, MD	5290 NORTH LIVERNOIS	ROCHESTER	MI 48308
18950	08/20/2005	NO	HALPIN, JOHN LINEHAN, DO	UMC DEPARTMENT OF EMERGENCY MEDICINE 2500 N STATE ST	JACKSON	MS 39216
15094	10/21/1996	NO	HAMDAN, FIRAS AHMAD, MD	1224 N PEACOCK AVE	PERRY	FL 32347
05881	08/11/1989	NO	HAMMETT, LARRY JOE, MD	1605 SOUTH 28TH AVE	HATTIESBURG	MS 39402
19465	08/21/2006	NO	HAO, MUHAMMAD SHEHZADUL, MD	CENTRAL MS ENDOCRINOLOGY STE 201 1860 CHADWICK DR	JACKSON	MS 39204
04363	06/22/1960	NO	HARDEE, THOMAS LEONARD, JR., MD	NO PRIMARY PRACTICE ADDRESS ON FILE.		
17546	03/04/2002	NO	HARDWELL, JOHN KEVIN, MD	FLOYD MEDICAL CENTER 304 TURNER MCCALL BOULEVARD	ROME	GA 30165
09851	01/31/1983	NO	HARRIS, WILLIAM STEPHEN, MD	RIVER REGION HEALTH SYSTEM 2100 HWY 61 N	VICKSBURG	MS 39183
02393	09/27/1945	YES	HARRISON, CHARLES HENRY, JR., MD	DELTA COMMUNITY MENTAL HEALTH SVCS 1654 EAST UNION ST	GREENVILLE	MS 38703
10991	05/21/1986	NO	HARWOOD, ANDREW RALPH, MD	917 GENERAL MOUTON AVE	LAFAYETTE	LA 70501
17896	12/09/2002	NO	HASHIMOTO, CHRISTINE LYNN, MD	5112 S. PERRY PARK RD.	SEDALIA	CO 80135
16053	09/24/1998	NO	HATTEN, HOMER PAUL, JR, MD	INDIAN RIVER RADIOLOGY 1485 37TH ST STE 107	VERO BEACH	FL 32980
11804	07/01/1988	NO	HAUSMANN, RACHEL K, MD	LSURASC MID-CITY CLINIC 1401 NORTH POSTER DRIVE	BATON ROUGE	LA 70806
18250	09/22/2003	NO	HAYNES, LINDA J, MD	GRAND BAY MEDICAL CENTER 1007 GRAND BAY WILMER RD S	MOBILE	AL 36541
14189	11/22/1994	NO	HAYNES-LAING, ARLEEN GRACE, MD	CHESTNUT HILL HOSPITAL CHOP NEWBORN CARE AT CHESTNUT HILL 8835 GREMTOWN AVENUE	PHILADELPHIA	PA 19135
12060	05/08/1989	NO	HEALY, WILLIAM RENE, MD	2880 DAUPHIN	MOBILE	AL 36606
08479	09/15/1978	NO	HEISLER, JAMES GERARD, MD	12924 FORSYTHIA LANE P.O. BOX 65	NOKEVILLE	VA 20182
08484	09/19/1978	NO	HENDRICKSON, MARJORIE LOUISE, MD	10821 COUNTY RD 334	TYLER	TX 75708-3102
15216	03/03/1997	NO	HERBERTSON, FLOYD JAMES, MD	4844 C R 156	BLUFF DALE	TX 79433
16111	08/23/2003	NO	HERLEVI, RICHARD CLEAD, DO	UTAH VALLEY REGIONAL MEDICAL CENTER 1034 NORTH 500 WEST	PROVO	UT 84604
04370	08/22/1980	NO	HERRINGTON, JOE DENNIS, MD	NATCHEZ COMMUNITY HOSPITAL 129 JEFF DAVIS BLVD	NATCHEZ	MS 39120
18839	03/14/2005	NO	HERROD, HENRY COLEMAN, MD	NO PRIMARY PRACTICE ADDRESS ON FILE.		
09038	07/02/1980	NO	HESS, GUILLELMO, MD	HUGULEY MEMORIAL MEDICAL CENTER 11801 SOUTH FREEWAY	FORT WORTH	TX 76116
13119	05/11/1992	NO	HEY, DENNIS JOHN, DO	1903 45TH COURT	MERIDIAN	MS 39305-2773
19233	02/27/2006	NO	HICKS, JOHN MCCALL, MD	CAMPBELL CLINIC, INC. 1211 UNION AVE. SUITE 510	MEMPHIS	TN 38104
06195	08/11/1971	NO	HIGHBAUGH, DAVID MICHAEL, MD	3434 SWISS SUITE 310	DALLAS	TX 75204
18748	11/22/2004	NO	HOFFMEISTER, DEAN LOUIS, MD	BAPTIST MEMORIAL HOSPITAL - MEMPHIS 8019 WALNUT GROVE ROAD	MEMPHIS	TN 38120
02261	02/14/1944	NO	HOLMES, WENDELL BYRON, MD	1808 VETERANS BLVD	MCCOMB	MS 39648
07676	08/09/1978	NO	HOOD, OPAL JEAN, MD	NO PRIMARY PRACTICE ADDRESS ON FILE.		
19762	05/14/2007	NO	HORAN, WILLIAM JOHN, MD	2525 TELEPHONE ROAD	PASCAGOULA	MS 39567
17932	01/13/2003	NO	HOVIS, CHRISTOPHER LEE, MD	DUKE UNIVERSITY MEDICAL CENTER DEPT. OF RADIOLOGY BOX 3808	DUHAM	NC 27710
05997	06/12/1970	NO	HUDSON, ALDUS RAY, MD	2201 NORTH AIRPORT RD	JASPER	AL 35504
11836	07/18/1988	NO	HUMPHREYS, ROBERT ALAN, MD	HUMPHREYS FAMILY PRACTICE CLINIC PC 5220 PARK AVE STE 100	MEMPHIS	TN 38116-3541
17750	08/12/2002	NO	INSLER, MICHAEL S., MD	2680 PEACHTREE ROAD NW #9A	ATLANTA	GA 30305
15551	08/25/1997	NO	IYENGAR, NANDINI BHARGAV, MD	1001 DIVISION STREET	BILOXI	MS 39530
19911	08/13/2007	NO	JACOB, SHUSHAN, MD	UMC-DEPT OF SURGERY DIVISON OF PLASTIC SURGERY 2500 N. STATE ST.	JACKSON	MS 39216
17856	11/18/2002	NO	JAHANZEB, MOHAMMAD, MD	BOSTON BASKIN CANCER GROUP PLC 1331 UNION AVE., STE. 800	MEMPHIS	TN 38104

License	Issued	Disciplinary	Name	Address	City	State	Zip
15521	08/19/1997	NO	JOHNSTON, SUSAN ELAINE, MD	MMC PEDIATRICS 1004 NORTH HIGHLAND AVENUE	MURFREESBORO	TN	37130
18522	05/24/2004	NO	JONES, JEFFREY ALAN, MD	UNIVERSITY MEDICAL CENTER 2500 N. STATE ST	JACKSON	MS	39216
18748	05/08/2000	NO	KATHAWALA, AHSAN H, MD	CRESCENT MEDICAL INC. 1264 WESLEY DRIVE # 501	MEMPHIS	TN	38116
05123	08/18/1985	NO	KEETON, JAMES EDWARD, MD	UNIVERSITY OF MS MED CENTER OFFICE OF CLINICAL AFFAIRS 2500 N STATE ST	JACKSON	MS	39218-4505
08949	03/15/1973	NO	KELLETT, BOYD ALEXANDER, MD	417 SW 134 TERRACE	NEWBERRY	FL	32669
17359	10/03/2001	NO	KERRIGAN, BRIAN RICHARD, DO	3 LYON PLACE	OGDENSBURG	NY	13699
19141	11/28/2005	NO	KHAN, SAMI OSMAN, MD	MS SPORTS MEDICINE & ORTHOPAEDIC 1325 EAST FORTIFICATION ST.	JACKSON	MS	39202
18885	05/02/2005	NO	KHAN-JAFFERY, KANIZ FATMA, MD	303 CENTRAL AVE SUITE 5	EGG HARBOR TOWNSHIP	NJ	08234
10130	08/26/1983	NO	KILPATRICK, ROBERT EARL, DO	MEDICAL CENTER-SHOALS, ER 201 AVALON AVE	MUSCLE SHOALS	AL	35681
13534	07/01/1993	NO	KING, KELLY ELLSWORTH, MD	UNIFORMED SERVICES UNI. OF THE HEAS CCRC 4301 JONES BRIDGE RD.	BETHESDA	MD	20814
15583	09/15/1987	NO	KNATT, THEODORE, SR, MD	STE 100 520 N LEWIS	NEW IBERIA	LA	70563
08639	08/19/1979	NO	KREJMAS, NANCY LEE, MD	NO PRIMARY PRACTICE ADDRESS ON FILE.			
18116	11/02/1998	NO	KRENTEL, ROD GEOFFREY, MD	4060 GRAND HERON WAY	MOBILE	AL	36683
19305	05/08/2006	NO	KURUP, SHREE K, MD	VRP EYE SPECIALTY GROUP PLC 825 RIDGE LAKE BLVD	MEMPHIS	TN	38120
16243	03/08/1999	NO	LASALLE, CHRISTOPHER WILLIAM, MD	8050 N. CLINTON ST.	FT. WAYNE	IN	46825
18331	08/13/2005	NO	LAYE, MATTHEW RYAN, MD	2500 NORTH STATE ST DEPARTMENT OF OB/GYN	JACKSON	MS	39216
10592	12/17/1984	NO	LE, CUONG VAN, MD	1051 GAUSE BLVD, SUITE 300	SLIDELL	LA	70458
18280	09/29/2003	NO	LEE, MELVIN GORDON, MD	BAPTIST MINOR MEDICAL CENTER 8900 GERMANTOWN ROAD EXTD.	OLIVE BRANCH	MS	38654
19095	10/03/2005	NO	LIMAN, ANDREW DEDE, MD	VA MEDICAL CENTER 1030 JEFFERSON AVE	MEMPHIS	TN	38104
14198	12/05/1994	NO	LINDSAY, ROBERT LYNN, MD	8501 DEANE HILL DRIVE	KNOXVILLE	TN	37918
19783	08/04/2007	NO	LISTER, ANNA ELIZABETH, MD	CHILDREN'S MEDICAL GROUP 1867 CRANE RIDGE DR. SUITE 101B	JACKSON	MS	39216
19319	05/15/2006	NO	LORENZO, RICHARD CARMEN, JR., DO	OBSTETRICS AND GYNECOLOGY ASSOC 92 W RATLIFF ST	LUCEDALE	MS	39452
03982	06/25/1957	NO	LUCAS, JOHN FAIR, JR., MD	501 W.WASHINGTON	GREENWOOD	MS	38930
14784	04/24/1996	NO	LUCAS, MICHAEL JAMES, MD.	NO PRIMARY PRACTICE ADDRESS ON FILE.			
17537	10/28/2002	NO	MAASSEN, MARTIN JAY, MD	80 PROFESSIONAL COURT	LAFAYETTE	IN	47905
19275	04/03/2006	NO	MAFERA, JAMES, MD	J HUNTER MAFERA, MD, P.S. 4418 E 15TH AVE	SPOKANE VALLEY	WA	99212-0295
19507	10/09/2006	NO	MAGNET, ANDREW DEAN, MD	MEMORIAL UNIVERSITY MEDICAL CENTER 4700 WATERS AVENUE	SAVANNAH	GA	31404
19377	07/01/2006	NO	MAHDAVIANI, SHEILA, MD	UMC DEPT. OF OPHTHALMOLOGY 2500 N. STATE STREET	JACKSON	MS	39218
15770	03/18/1998	NO	MAIDAN, LUCIAN MIHAIL, MD	2472 HUNTINGTON GLEN DR	BIRMINGHAM	AL	35226
05384	08/15/1986	NO	MAIER, FINDLAY GEORGE, MD	2421 BEACH BLVD.	PASCAGOULA	MS	39587
05192	06/18/1965	NO	MANNING, JAMES OLIVER, MD	NO PRIMARY PRACTICE ADDRESS ON FILE.			
14385	06/12/1985	NO	MANOLAKAS, ROBERT GEORGE, MD	2835 VIA ALFONSE	LAGUNA NIGUEL	CA	92677
18491	04/19/2004	NO	MARTIN, RODNEY ADDISON, MD	DR. RODNEY MARTIN 1286 PEABODY	LAGUNA NIGUEL	CA	92677
11138	07/11/1988	NO	MCDONALD, EDWARD FRANKLIN, MD	1240 JESSE JEWELL PKWY STE 400	MEMPHIS	TN	38104
19815	01/08/2007	NO	MCLEOD, GENEVIEVE IVY, MD	UNIVERSITY OF SOUTH ALABAMA 307 N. UNIVERSITY BLVD.	GAINESVILLE	GA	30501
05845	08/21/1988	NO	MCNEEL, HARRY BRANTLEY, JR., MD	400 8TH STREET SOUTH	MOBILE	AL	36618
17282	07/02/2001	NO	MEJIA, JAIME HUMBERTO, MD	DOCTORS MEMORIAL HOSPITAL 333 BYRON BUTLER PARKWAY	ST. PETERSBURG	FL	33701
19916	08/13/2007	NO	MERCADO, CARLOS ALBERTO, MD	POGEE MEDICAL 800 WEST MEETING STREET	PERRY	FL	32347
17048	12/19/2000	NO	MERRITT, MELVIN DOUGLAS, MD	STE 406 501 MARSHALL ST	LANCASTER	SC	29720
17382	08/17/2001	NO	MICHAELS, ANGLUS JAJA, MD	4555 HIGHLAND PARK DR	JACKSON	MS	39202
03921	08/26/1957	NO	MILLS, HENRY PIPES, JR., MD	NO PRIMARY PRACTICE ADDRESS ON FILE.			
17933	01/13/2003	NO	MILLS, LISA ANN, DO	LANGLEY MEDICAL CENTER 77 NEALY STREET	MERIDIAN	MS	39307
19986	10/08/2007	NO	MINA, ADEL FAROUK FARAG, MD	NORTHWEST REGIONAL MEDICAL CENTER 1970 HOSPITAL DRIVE	LANGLEY AIR FORCE BASE	VA	23865
19198	01/30/2008	NO	MIR, HASSAN RIAZ, MD	CAMPBELL CLINIC, INC. 1211 UNION AVE.	CLARKSDALE	MS	38814
18194	05/04/2003	NO	MIRANDA, PAUL ANTHONY, MD	150 REYNOLDS STREET	MEMPHIS	TN	38104
14481	07/24/1995	NO	MISLIS, KARL EDWARD, MD	SEMMES-MURPHY CLINIC 814 SKYLINE DR	BILOXI	MS	39530
17083	02/05/2001	NO	MITTAL, SANJEEV KUMAR, MD	MITTAL KIDNEY DIALYSIS PLLC STE 402 8027 WALNUT GROVE	JACKSON	TN	38301
15795	04/06/1998	NO	MONTES, MIGUEL ANGEL, MD	SKYLAKES MEDICAL CENTER 2885 DAGGETT AVE	MEMPHIS	TN	38120
17575	04/08/2002	NO	MOOLCHANDANI, RAJENDRA, MD	MAA GROUP 1900 EXETER, SUITE 210	KLAMATH FALLS	OR	97601
19418	07/24/2006	NO	MOORE, GARY ARLAN, MD	SKYRIDGE MEDICAL CENTER WESTSIDE 2800 WESTSIDE DRIVE NW	GERMANTOWN	TN	38138
11393	07/01/1987	NO	MOORE, MERWIN BLANCHARD, III, MD	223 PHYSICIANS PARK DRIVE	CLEVELAND	TN	37312
15788	03/30/1998	NO	MORIN, MICHAEL JOSEPH, MD	RADIOLOGY - INDEPENDANT CONTRACTOR 804 RIDGELAKE DR	POPLAR BLUFF	MO	63901
12867	07/01/1991	NO	MORTON, MARGARET LUCIUS, MD	DIAGNOSTIC CLINIC 707 HOLLYBROOK	NEW ORLEANS	LA	70001
06443	08/07/1972	NO	MOSES, MICHAEL ELLIS, JR., MD	15190 COMMUNITY RD. STE. 250	LONGVIEW	TX	75605
					GULFPORT	MS	39503

License	Issued	Disciplinary Name	Address	City	State	Zip
07342	08/04/1975	NO	MOY, RUBY GAY, MD	NO PRIMARY PRACTICE ADDRESS ON FILE.		
17611	05/13/2002	NO	MOYD, LINDA, MD	1551 WEST GOVERNMENT ST	BRANDON	MS 39042
17060	01/08/2001	NO	MURCHISON, LAURA A, MD	NO PRIMARY PRACTICE ADDRESS ON FILE.		
17848	11/04/2002	NO	NALAJALA, VASU, MD	800 RANDOL MILL ROAD	ARLINGTON	TX 76012
19765	05/14/2007	NO	NEELY, PHILIP EARL, MD	152 INTERCOASTAL DR	MADISON	AL 35758
14809	05/20/1996	NO	NEWLANDS, SHAWN OAVID, MD	UNIVERSITY OF TEXAS MEDICAL BRANCH - DEPT OF OTOLARYNGOLOGY 301 UNIVERSITY BLVD - RT 0521	GALVESTON	TX 77555-0521
05748	12/18/1985	NO	NEWMAN, HARRY, MD	75 SAN LEANDRO WAY 75 SAN LEANDRO WAY	SAN FRANCISCO	CA 94127-1505
15044	09/09/1996	NO	NIX, RALPHAEL ROBERT, III, MD	431 BERTUCCI BLVD	BILOXI	MS 39531
19699	11/20/2000	NO	NOGGLE, TOMMY STEVEN, MD	NORTH OKALOOSA MEDICAL CENTER 151 EAST REDSTONE AVENUE	CRESTVIEW	FL 32539
18724	10/25/2004	NO	NOGUCHI, BARBARA ANN, MD	3900 VETERANS BLVD SUITE 203	METARIE	LA 70002
17186	05/07/2001	NO	NORMAN, BRUCE E, MD	1001 LAKESIDE AVE.SUITE 1200	CLEVELAND	OH 44114-1153
06994	07/01/1993	NO	NORSWORTHY, THOMAS PHILIP, MD	708 W FOREST AVE	JACKSON	TN 38301
09164	08/04/1980	NO	OBERNUEFEMANN, TIMOTHY L, MD	DYERSBURG REGIONAL MEDICAL CENTER 400 TICKLE STREET	DYERSBURG	TN 38024
17816	10/07/2002	NO	ODETTOYINBO, ADEDAPO OLAMIDE, MD	EMORY EASTSIDE MEDICAL CENTER 1700 MEDICAL WAY	SNELLVILLE	GA 30078
80092	11/01/1985	NO	OGNIBENE, FRANK A, DPM	OGNIBENE CLIN GERMANTOWN 2120 EXETER RD #220	GERMANTOWN	TN 38136
11293	03/17/1987	NO	ORLEANS, FREDRICK STEVEN, MD	DIAGNOSTIC AND MEDICAL CLINIC 1700 SPRING HILL AVE SUITE 100	MOBILE	AL 36604
19603	08/11/2007	NO	OWEN, JOSEPH SAM, JR, MD	UNIVERSITY OF MS MEDICAL CENTER 2500 NORTH STATE STREET DEPARTMENT OF MEDICINE	JACKSON	MS 39216
19419	07/24/2006	NO	OZMUN, RICHARD RANDALL, MD	VIRTUAL RADIOLOGIC CORPORATION 5965 OPUS PARKWAY SUITE 200	MINNETONKA	MN 55343
19461	09/28/2006	NO	PAINTER, CHAD LLIOT, MD	MEA MEDICAL CLINICS 308 CORPORATE DR.	RIDGELAND	MS 39157
13770	03/07/1994	NO	PAPENDICK, LEW W, MD	BLACK HILLS ORTHOPEDIC & SPINE CENT 7220 S. HWY 16	RAPID CITY	SD 57702
14323	05/01/1995	NO	PASSYN, KATHERINE LIPSCOMB, MD	CHESTER RIVER MEDICAL CENTER 100 BROWN STREET	CHESTERTOWN	MD 21620
04229	06/24/1959	NO	PATE, SAMUEL RAY, JR, MD	380 LAKE CASTLE ROAD	MADISON	MS 39110
08914	12/07/1979	NO	PATEL, DAKSHA M, MD	3101 PARMA LANE	PLANO	TX 75093
17270	08/25/2001	NO	PATEL, TEJASKUMAR BABULAL, MD	1086 FRANKLIN STREET	JOHNSTOWN	PA 15604
18114	06/23/2003	NO	PATTERSON, DANIEL AJO, MD	REGIONAL CANCER CENTER 2808 DENNY AVENUE	PASCAGOULA	MS 39581
06594	12/07/1972	NO	PATTERSON, KELLY, MD	6050 POPLAR AVE SUITE 800	MEMPHIS	TN 38157
18637	08/09/2004	NO	PENDARVIS, RANIE WILLIAM, MD	6217 FAIRWAY BAY BLVD. SOUTH SUITE 200	GULFPORT	FL 33707
10601	01/02/1985	NO	PETERS, JOSEPH A, MD	6817 HWY 57 S	COUNCE	TN 38326
13192	07/01/1982	NO	PETERSON-BARLOW, POLLY ANNA, MD	UNIVERSITY OF ALABAMA BIRMINGHAM 280 AB 1530 3RD AVE S	BIRMINGHAM	AL 35294-0102
15509	08/18/1997	NO	PICKETT, ROBERT ANDREW, MD	501 MARSHALL STREET SUITE 101	JACKSON	MS 39202
07929	07/07/1977	NO	PINKLEY, LEONARD FAHERTY, JR, MD	900 EARL FRYE BLVD STE A	AMORY	MS 38621
18596	07/12/2004	NO	PORTER, BRUCE EDWARD, MD	NO PRIMARY PRACTICE ADDRESS ON FILE.		
15944	07/27/1998	NO	PRASAD, SHAILENDRA, MD	BROADWAY FAMILY MEDICINE CLINIC 1020 WEST BROADWAY	MINNEAPOLIS	MN 55411
10656	05/14/1985	NO	PREAU, WILLIAM JOSEPH, III, MD	#5 CLAUDIA DR	COVINGTON	LA 70435
03429	12/07/1963	NO	PREVOST, ROBERT WARD, JR, MD	2100 SCENIC BAY DR	ARLINGTON	TX 76013-5204
13481	08/21/1993	NO	PURICELLI, MARK STEWART, DO	RIJAN NEUROLOGY CLINIC 1111 6TH AVE STE A100	DES MOINES	IA 50314
17960	03/10/2003	NO	RAMSEY, BRADFORD LYNN, DO	ST JOHN'S REGIONAL MEDICAL CENTER DEPARTMENT OF ANESTHESIOLOGY 2727 MCCLELLAND BLVD	JOPLIN	MO 64804-1694
80189	09/18/2006	NO	RAY, GEORGE EDWARD, JR, DPM	3704 BIENVILLE BLVD. SUITE 1A	OCEAN SPRINGS	MS 39564
19992	10/16/2007	NO	REINHARDT, JOHN FRANCIS, JR., DO	BOUTH CENTRAL REGIONAL MEDICAL CENT ELLISVILLE MEDICAL PARK 1203 AVENUE B	ELLISVILLE	MS 39437
19692	07/31/2007	NO	REISS, GARY MICHAEL, MD	TULANE UNIVERSITY HOSP & CLINICS 1415 TULANE AVENUE	NEW ORLEANS	LA 70112
16983	07/11/2005	NO	REMIUS, JEREMY GEORGE, MD	1510 HARRISON AVE	MCCOMB	MS 39648
07155	12/12/1974	NO	RENNICK, RONALD LESLIE, MD	670 SAND AVE	EUGENE	OR 97401
10734	07/01/1985	NO	REYNOLDS, TIMOTHY JAMES, MD	REDDY & REYNOLDS CARDIOLOGY 7710 BEECHNUT, SUITE 220	HOUSTON	TX 77074
14273	03/05/1995	NO	RIGALX, ARMAND JULES, MD	301 ST. CHARLES AVE.	NEW ORLEANS	LA 70130
04410	06/22/1980	NO	RINEHART, COLMORE UPTON, JR, MD	970 NACION AVE	CHULA VISTA	CA 91911
15377	07/07/1997	NO	RISCH, ROBERT MARTIN, MD	MEMORIAL MEDICAL CTR 4700 WATERS AVENUE	SAVANNAH	GA 31412
05014	06/17/1994	NO	ROGERS, EARL MCNICHOL, MD	STE C 1303 14TH AVE SE	DECATUR	AL 39601
06461	08/07/1972	NO	ROH, BYUNG LIM, MD	NO PRIMARY PRACTICE ADDRESS ON FILE.		
16453	07/28/1999	NO	ROTEN, DONALD PERRIN, JR, MD	GENERAL SURGERY 2501 CAPEHART RD STE 1K37	OFFUTT APB	NE 68113
10620	02/12/1985	NO	ROWELL, MAURICE HULBERT, JR, MD	3129 RYECROFT RD	BIRMINGHAM	AL 35223

License	Issued	Disciplinary Name	Address	City	State	Zip
03359	06/22/1953	NO	RUNNELS, GATHEL OLIVER, MD	NO PRIMARY PRACTICE ADDRESS ON FILE.		
19037	08/01/2005	NO	RUPERT, MATTHEW PAUL, MD	TOTAL PAIN CARE, LLC 1001 14TH STREET	MERIDIAN	MS 39301
10788	07/01/1985	NO	RUSHING, DAVID LEE, MD	CLINIC FOR WOMEN PA THE WOMENS PAVILION 910 ADAMS ST STE 300	HUNTSVILLE	AL 35801
15988	10/08/2007	NO	RUSSELL, BERTRAM ROYCE, MD	CHESTER CO. HOSPITAL MARSHALL ST.	WEST CHESTER	PA 19380
11082	07/01/1988	NO	RUSSELL, JUDY MCHENRY, MD	NO PRIMARY PRACTICE ADDRESS ON FILE.		
17350	08/13/2001	NO	SABILE, STELLA POLIZON, MD	520 MATTHEW DR STE D	WAYNESBORO	MS 39367
18920	08/08/2005	NO	SANDLAND, HELEN, MD	WEST POINT HOSPITAL EMERGENCY ROOM MEDICAL CENTER DRIVE, WEST POINT	WEST POINT	MS 38773
17497	01/14/2002	NO	SANTOS, ALFONSO HERNANDEZ, JR, MD	11888 METROPOLITAN AVENUE, #4-D	KEW GARDENS	NY 11415
18802	01/24/2005	NO	SATHANANDAN, SUMATHIRA THEVY, MD	614 SKYLINE DRIVE	JACKSON	TN 38301
06463	08/07/1972	NO	SAUNDERS, ROBERT LEROY, JR, MD	1140 BUSINESS CENTER DRIVE SUITE 402	HOUSTON	TX 77043-2743
08420	08/08/1978	NO	SAVELL, VERNON DAVID, JR, MD	NO PRIMARY PRACTICE ADDRESS ON FILE.		
02862	06/21/1948	NO	SCHERER, VICTOR EMILE, MD	NO PRIMARY PRACTICE ADDRESS ON FILE.		
19257	03/13/2008	NO	SCIMECA, TYLER ROSS, MD	1188 MISTY ISLE DR.	MEMPHIS	TN 38103
80177	03/28/2004	NO	SERRANO, HILDA I, DPM	205 FECHT DRIVE	BLOOMING	MS 39531
18322	11/10/2003	NO	SHAH, SANJAY BACHUBHAI, MD	957 OLD MOPHERSON CHURCH RD.	FAYETTEVILLE	NC 28303
19067	08/12/2005	NO	SHAPIRA, SHMUEL, MD	SMRMC 215 MARSON AVE.	MCCOMB	MS 39848
19403	07/17/2008	NO	SHIPE, GWENDOLYN KAY, MD	UT SOUTHWESTERN MEDICAL CENTER DEPT OF CHILD AND ADOLESCENT PSYCH 5323 HARRY HINES BLVD	DALLAS	TX 75390-8589
17728	07/22/2002	NO	SILK, MARSHALL BRUCE, DO	SILK EMERGENCY CARE 2533 N CARSON ST #1251	CARSON CITY	NV 89708
11478	07/01/1987	NO	SIMPSON, C KELLEY, MD	POUDRE VALLEY RADIATION ONCOLOGY 2121 E. HARMONY ROAD, SUITE 160	FT COLLINS	CO 80528
11584	10/26/1987	NO	SIMPSON, ROBERT DAVID, MD	233 HARDIN DR	SELMA	AL 36701
04102	08/25/1958	NO	SIMS, NORMAN LEMASTER, MD	TENNESSEE VALLEY VETERANS HEALTH CA 1310 24TH AVE. SO	NASHVILLE	TN 37212
08255	08/28/1978	NO	SMALLWOOD, JAMES CLAYTON, MD	MAHEC WOMEN'S HEALTH CENTER 93 VICTORIA ROAD	ASHEVILLE	NC 28801
08952	10/17/1979	NO	SMITH, KEITH PATRICK, MD	900 GOODYEAR AVENUE SUITE B	GADSDEN	AL 35903
18780	05/22/2000	NO	SONG, KENNETH ANTHONY, JR, MD	JACKSON COUNTY ANESTHESIA, PA 3108 BIENVILLE BLVD	OCEAN SPRINGS	MS 39584
15221	03/03/1997	NO	SORIANO, MARIA ROSARIO ALDAY, MD	NO PRIMARY PRACTICE ADDRESS ON FILE.		
19726	04/06/2007	NO	SPATARO, MICHAEL TODD, MD	UMC, DEPT. OF PATHOLOGY 2500 N. STATE ST.	JACKSON	MS 39216
08050	08/08/1977	NO	SPOHN, PETER JOHN, MD	2845 EAST HIGHWAY 76 SUITE 2	MULLINS	SC 29574
19702	03/19/2007	NO	SSEMAKULA, NOAH, MD	118 SHANNON DRIVE	PITTSBURGH	PA 15238
19258	03/13/2008	NO	ST. GERMAIN, DAVID JOSEPH, JR, MD	METHODIST HOSPITAL 1265 UNION AVE.	MEMPHIS	TN 38104
10025	07/01/1983	NO	STANTON, WILLIAM MARK, MD	409 WESTPORT WAY	FLOWOOD	MS 39232
12014	02/27/1989	NO	STEIN, LEE STUART, MD	THE NEUROLOGY CLINIC PC 8000 CENTERVIEW PKWY SUITE 300	CORNOVA	TN 38018
15907	07/07/1998	NO	STUBBS, MALCOLM JAY, MD	OPELOUSAS ORTHOPEDIC CLINIC 4015 I-49 S SERVICE RD	OPELOUSAS	LA 70570
15948	09/10/2007	NO	STURGEON, JOHN MATT, MD	RADIOLOGY, INC 10887 SAWMILL PARKWAY, SUITE 100	POWELL	OH 43085
12373	01/09/1990	NO	SULLIVAN, PHILIP, MD	831 SOUTH HIGHWAY 150	EVANSTON	WY 82931
19889	10/06/2007	NO	TAGGARD, DEREK ALLAN, MD	KEESLER MEDICAL CENTER 301 FISHER STREET	KEESLER AFB	MS 39534
17717	07/15/2002	NO	TAKARA, JAMES PATRICK, MD	2314 SASSAPRAS STREET SUITE 305	ERIE	PA 16502
17809	09/30/2002	NO	TALENS, EVANGELINE TOLENTINO, MD	2520 FIFTH ST N	COLUMBUS	MS 39705
17558	03/25/2002	NO	TANICUS, BONNIE LISA MARTIN, MD	PATHOLOGY DEPT 90 CENTRAL REG'L MED CENTER 1220 JEFFERSON ST	LAUREL	MS 39441
19775	05/21/2007	NO	TAO, STANLEY LING-WAI, MD	VRF EYE SPECIALTY GROUP 825 RIDGE LAKE BLVD	MEMPHIS	TN 38120
18890	05/02/2005	NO	TARUGU, VIKRAM, MD	UMC, DIVISION OF DIGESTIVE DISEASES 2500 N. STATE STREET	JACKSON	MS 39218
14392	08/19/1995	NO	TASSIN, GERARD BENNETT, MD	RADIOLOGY ASSOCIATES 7808 JEFFERSON HWY STE B2	BATON ROUGE	LA 70809
15580	08/12/1997	NO	THOMA, MARGARET ELIZABETH, MD	MEDICAL DOCTORS ASSOCIATION 145 TECHNOLOGY PARKWAY NW	NORCROSS	GA 30092
19268	03/20/2008	NO	THOMAS, RICHARD JAMES, MD	M8 SPORTS MEDICINE & ORTHOPAEDIC 1325 E FORTIFICATION ST.	JACKSON	MS 39202
15480	08/11/1987	NO	THORBERSON, PARLEY KURT, MD	350 HERITAGE WAY	KALISPELL	MT 59901
17864	06/17/2002	NO	TOEVS, CHRISTINE CARTER, MD	U M C DEPT SURGERY 2500 N STATE ST	JACKSON	MS 39216
03634	06/27/1955	NO	TOWNES, ROBERT BURWELL, JR, MD	1732 COMMERCE STREET GREEN SHOPPING CENTER	GRENADE	MS 38901
08288	11/07/1980	NO	TRAHAN, ROBERT LOUIS, MD	1835 KINGSTON PL.	OPELOUSAS	LA 70570
17311	07/18/2001	NO	TRUONG, HANS H, MD	NO PRIMARY PRACTICE ADDRESS ON FILE.		
19310	05/08/2006	NO	TURNER, DANIEL GLEATON, MD	5995 OPIUS PARKWAY SUITE 200	MINNETONKA	MN 55343
19017	07/18/2005	NO	VAN TASSEL, KAREN MARGARET, MD	YUMA REGIONAL MEDICAL CENTER 2400 SOUTH AVENUE A	YUMA	AZ 85364-7170
18818	07/26/2004	NO	VERNON, JENNIFER NORSWORTHY, MD	WELLSTAR PACC 1810 MULKEY ROAD SUITE 201	AUSTELL	GA 30108
12081	05/08/1989	NO	WALKER, TOM MORROW, MD	2680 DAUPHIN ST	MOBILE	AL 36606
14285	02/09/1995	NO	WARD, JOSEPH P, MD	2205 W HWY 84	CLARKSVILLE	AR 72530

License	Issued	Disciplinary	Name	Address	City	State	Zip
05332	06/15/1986	NO	WARDLAW, LEE LYLE, MD	1264 WESLEY DRIVE #802	MEMPHIS	TN	38116
10457	07/01/1984	NO	WATSON, DEBORAH DIANE, MD	6063 MT MORIAH EXT SUITE 13	MEMPHIS	TN	38115
18700	10/04/2004	NO	WAXMAN, JONATHAN, MD	200 LOTHROP STREET SUITE C800 PUH	PITTSBURGH	PA	15213
09201	06/04/1980	NO	WEILAND, RICHARD CALVIN, JR, MD	100 KEOKEA PLACE	KULA	HI	96790
11019	10/17/1988	NO	WEIR, DAVID LOUIS, MD	8120 MAIN ST STE 400	HOLMA	LA	70360
18249	03/15/1999	NO	WESTRA, CHRISTOPHER SHAWN, MD	KIMBERLY CLARK CORP 2100 WINCHESTER RD	NEENAH	WI	54957-0989
03986	06/28/1957	NO	WHITEHEAD, THOMAS BENNETT, MD	709 SUMRALL RD	COLUMBIA	MS	39429
17408	10/08/2001	NO	WIEDENHOEFER, JAMES F, MD	2200 BERGQUIST STREET WILFORD HALL MEDICAL CENTER	LACKLAND AFB	TX	78238
17012	11/27/2000	NO	WILSON, DIANA WILLIAMS, MD	8 RAVENNA LANE	NATCHEZ	MS	39120
18075	05/19/2003	NO	WILSON, KATHY TINGLE, MD	UNIV. OF MS MEDICAL CENTER DEPARTMENT OF PULMONARY 2500 NORTH STATE STREET	JACKSON	MS	39218
15033	09/03/1996	NO	WISEMAN, PAMELA MARKIEWICZ, MD	TULANE SCHOOL OF MEDICINE FAMILY & COMMUNITY MEDICINE 1430 TULANE AVENUE	NEW ORLEANS	LA	70112
13401	01/25/1993	NO	WISSINGER, DANIEL HUNT, MD	1203 RIDGEWAY ROAD SUITE 201	MEMPHIS	TN	38119
08045	06/12/1970	NO	WITHERSPOON, JOHN DRAPER, MD	222 22ND AVE N #800	NASHVILLE	TN	37203
02837	09/25/1947	NO	WOOD, WILLIAM MARTIN, MD	1415 COLLEGE DR	MERIDIAN	MS	39307
12858	07/01/1991	NO	WOODWARD, ANGELIA MCALPIN, MD	DCH EMERGENCY DEPT 809 UNIVERSITY BLVD E	TUSCALOOSA	AL	35401
13987	07/01/1994	NO	WOODWARD, DOUGLAS KIMBALL, MD	DCH EMERGENCY DEPT 809 UNIVERSITY BLVD E	TUSCALOOSA	AL	35401
13961	07/01/1994	NO	WOODYARD, STEPHEN MARSHALL, MD	UMC DEPT OF ANESTHESIOLOGY 2500 N STATE STREET	JACKSON	MS	39218
18831	02/14/2005	NO	WYATT, BRENT MICHAEL, MD	301 FISHER STREET	KEESLER AFB	MS	38534
17447	11/26/2001	NO	WYATT-ASHMEAD, JOSEPHINE, MD	HAMMERSMITH HOSPITAL DU CANE ROAD LONDON W12 0NN	UNITED KINGDOM		
17769	08/26/2002	NO	YANG, STEVENS, MD	KINGMAN REGIONAL MEDICAL CENTER 3268 STOCKTON HILL ROAD	KINGMAN	AZ	86409
13575	07/01/1993	NO	YOUNG, AMY ELISE, MD	BAYLOR COLLEGE OF MEDICINE DEPT OF OB-GYN 1709 DRYDEN, SUITE 1100	HOUSTON	TX	77030
16238	03/08/1998	NO	YOUNGBLOOD, TONYA JOYCE, MD	802 W LAMPASAS	ENNIS	TX	75119
19180	01/23/2006	NO	YU, KAN, MD	UMC DEPT. OF NEUROLOGY 2500 N. STATE STREET	JACKSON	MS	39218
19938	08/28/2007	NO	ZASLOW, ELY DAVID, MD	HAZELWOOD FAMILY MEDICINE 1088 BROWN AVE.	WAYNESVILLE	NC	28786
18760	11/29/2004	NO	ZUSKOV, ALEXANDER Y., MD	MAYO CLINIC 200 FIRST ST. S.W. DEPARTMENT OF NEUROLOGY	ROCHESTER	MN	55905

I certify that the names appearing on this list have not renewed their Mississippi license for the period July 1, 2008 thru June 30, 2009.

  
EXECUTIVE DIRECTOR

Total number of physicians : 330



**FILED**  
SEP 19 2008

**MISSISSIPPI  
SECRETARY OF STATE**

**COPY**

**NOTICE OF PROPOSED RULE ADOPTION**

**STATE OF MISSISSIPPI**  
Mississippi State Board of Medical Licensure

Mississippi State Board of Medical  
Licensure  
c/o Rhonda Freeman  
1867 Crane Ridge Drive, Suite 200-B  
Jackson, MS 39216

(601) 987-0223  
rhonda@msbml.state.ms.us

Specific Legal Authority authorizing the promulgation of  
Rule: {Insert citation to state or federal statute, or  
rule Section 73-43-11

Reference to Rules repealed, amended or suspended by the  
Proposed Rule : { Insert citation to specific rule(s) repealed,  
amended or suspended Chapter 03 Licensure Regulations Governing  
the Practice of Podiatrists

**Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule:** {Insert here}  
Amendments to this regulation will allow podiatrists who graduated from an approved college of podiatric medicine prior to 1990, has  
continuously practiced for the past 10 years and has an unrestricted license, the opportunity to request a waiver  
of the 1 year post graduate training requirement.

This rule is proposed as a  Final Rule, and/or a  Temporary Rule (Check one or both boxers as applicable.)

Persons may present their views on the proposed rule by addressing written comments to the agency at the above address. Persons making comments should include their name and address, as well as other contact information, and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

Oral Proceeding: Check one box below:

An oral proceeding is scheduled on this rule on Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Place: \_\_\_\_\_

If you wish to be heard and present evidence at the oral proceeding you must make a written request to the agency at the above address at least \_\_\_\_\_ day(s) prior to the proceeding to be placed on the agenda. The request should include your name, address, telephone number as well as other contact information; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

An oral proceeding is not scheduled on this rule. Where an oral proceeding is not scheduled, an oral proceeding will be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address and telephone number of the person(s) making the request; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

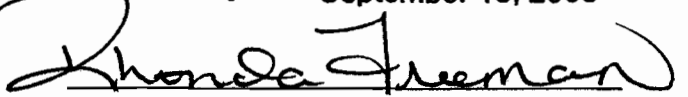
Economic Impact Statement: Check one box below:

- The agency has determined that an economic impact statement is not required for this rule, or  
 The concise summary of the economic impact statement required is attached.

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Date Rule Proposed: September 18, 2008

Proposed Effective Date of Rule: 30 days from final filing.

  
Signature and Title of Person Submitting Rule for Filing  
Rhonda Freeman, Bureau Director

TELEPHONE: (601) 987-3079



FAX: (601) 987-4159

## MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

**To:** Mississippi Secretary of State  
**From:** Mississippi State Board of Medical Licensure  
**Date:** September 18, 2008  
**Subject:** Notice of Proposed Rule Adoption

Mississippi Code §73-43-11 gives the Mississippi State Board of Medical Licensure the authority to promulgate and publish reasonable rules and regulations necessary to enable it to discharge its functions and to enforce the provisions of law regulating the practice of medicine and the conduct of physicians.

This amendment will allow a podiatrist who has graduated from an accredited college of podiatric medicine prior to 1990, has continuously practiced for the past ten years and has held unrestricted licenses to practice podiatry, the opportunity to request a waiver of the Board's requirement of one year of APMA-approved postgraduate training.

Any comments concerning the proposed regulation may be sent to the following address:

Mississippi State Board of Medical Licensure  
1867 Crane Ridge Drive, Suite 200-B  
Jackson, MS 39216

## **Chapter 03 Licensure Regulations Governing the Practice of Podiatrists**

### **Licensure by Examination**

- 100 To qualify for admission by examination, an individual shall meet the following requirements, provided that the Board may admit any individual to the examination while reserving its right to deny licensure if that individual fails to meet all requirements for licensure subsequent to success or completion of the examination:
1. Applicant must satisfy the Board that he or she is at least twenty-one (21) years of age and of good moral character.
  2. Applicant must have had at least four (4) years of high school and be graduate of same; he or she shall have at least one (1) year pre-podiatry college education.
  3. Present a diploma from a college of podiatric medicine recognized by the Board as being in good standing, subject to the following conditions:
    - a. Any diploma or other document required to be submitted to the Board by an applicant which is not in the English language must be accompanied by a certified translation thereof into English.
    - b. No college of podiatry or chiropody shall be accredited by the Board as a college of good standing which does not require for graduation a course of study of at least four (4) years (eight and one-half [8½] months each) and be recognized by the Council on Education of the American Podiatry Association at the time of graduation.
  4. Present certified copy of birth certificate or valid passport.
  5. Successfully take an examination for podiatrists. The applicant shall be examined in the following subjects: anatomy, histology, physiology, chemistry, pharmacy, materia medica, therapeutics, bacteriology, pathology, surgery, dermatology, neurology, physical therapy, diagnosis and roentgenology, orthopedics, chiropody and chiropodial surgery, limited in their scope to the treatment of the human foot and leg, and if found qualified shall receive a license. The minimum of requirements for license shall be a general average of seventy-five percent (75%) of all the subjects involved, provided that a grade of not less than sixty percent (60%) be made on any one (1) subject or branch given in the examination held. However, applicants are encouraged to take the examinations given by the National Board of Podiatry Examiners.
  6. Complete an application for podiatry license and submit it to the Board in the manner prescribed by the Board with a recent passport type photograph.
  7. Submit fee prescribed by the Board.
  8. Appear for a personal interview in the office of the Mississippi State Board of Medical Licensure and successfully pass the Jurisprudence Examination as administered by the Board.

### **Licensure by Reciprocity or Endorsement**

- 200 If the original license of an applicant was obtained by state board examination, the applicant must have the state board where original license was obtained by written

examination submit a certified copy of the examination directly to the Board.

- 201 The Board may affiliate with and recognize for the purpose of waiving examination and may grant licenses to Diplomates of the National Board of Podiatric Examiners. If a Diplomate of the National Board of Podiatric Examiners, the applicant must have certification of endorsement from that Board submitted directly to the Board.
- 202 In addition to the above requirements for licensure by reciprocity and/or endorsement, an individual shall meet the following requirements:
1. Applicant must be twenty-one (21) years of age, and of good moral character.
  2. Applicant must have had at least four (4) years high school and be graduate of same; he or she shall have at least one (1) year pre-podiatry college education.
  3. Present a diploma from a college of podiatric medicine recognized by the Board as being in good standing, subject to the following conditions.
    - a. Any diploma or other document required to be submitted to the Board by an applicant which is not in the English language must be accompanied by a certified translation thereof into English.
    - b. No college of podiatry or chiropody shall be accredited by the Board as a college of good standing which does not require for graduation a course of study of at least four (4) years (eight and one-half [8½] months each) and be recognized by the Council on Education of the American Podiatry Association at the time of graduation.
  4. Present proof of completion of one (1) year of APMA-approved postgraduate training in the U.S. or Canada. If the podiatrist graduated from an accredited college of podiatric medicine prior to 1990, has continuously practiced for the past ten (10) years and has held unrestricted license(s) to practice podiatry, the one (1) year of APMA-approved postgraduate training may be waived at the Board's discretion.
  5. Present certified copy of birth certificate or valid passport.
  6. Complete an application for podiatry license and submit it to the Board in the manner prescribed by the Board with a recent passport type photograph.
  7. Submit fee prescribed by the Board.
  8. Appear for a personal interview in the office of the Mississippi State Board of Medical Licensure and successfully pass the Jurisprudence Examination as administered by the Board.

**Amended March 8, 2007. Amended May 17, 2007. Amended January 24, 2008.**

NOVEMBER 2008

AMERICA

**MINUTES  
EXECUTIVE COMMITTEE MEETING  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
NOVEMBER 19, 2008**

**MEMBERS PRESENT:**

Philip T. Merideth, M.D., J.D., Jackson, President  
Don A. Gibson, M.D., Richland, Vice President  
William S. Mayo, D.O., Oxford, Secretary

**ALSO PRESENT:**

Stan T. Ingram, Complaint Counsel for the Board  
Ellen O'Neal, Assistant Attorney General  
Rhonda Freeman, Bureau Director, Licensure Division  
Thomas Washington, Bureau Director, Investigative Division  
Frances Scott, Special Projects Officer, Investigative Division  
Ruby Litton, RN, Compliance Nurse  
Sherry Harris, Staff Officer

**NOT PRESENT:**

H. Vann Craig, M.D., Director

The Executive Committee of the Mississippi State Board of Medical Licensure met on Wednesday, November 19, 2008, at 2:10 p.m. in the Executive Conference Room of the Office of the Board located at 1867 Crane Ridge Drive, Jackson, Mississippi.

Dr. Merideth called the meeting to order and advised the Executive Committee that Dr. Craig would not be present at the meetings this week due to the death of his mother.

**RADWAN KHURI, M.D., BATESVILLE, MISSISSIPPI MEDICAL LICENSE NUMBER 14657, AGREED ORDER OF REPRIMAND**

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

Dr. Merideth advised that the Board had sent Dr. Khuri an Agreed Order of Reprimand mirroring the actions of the North Carolina Medical Board concerning collaboration with a Nurse Practitioner and filing false information with Mississippi on his last two (2) licensure renewals. Motion was made by Dr. Mayo, seconded by Dr. Merideth, and carried unanimously to accept the Agreed Order of Reprimand. A copy of Dr. Khuri's Agreed Order of Reprimand is attached hereto and incorporated by reference.

**EXECUTIVE COMMITTEE MINUTES**

**November 19, 2008**

**Page 2**

**JOSEPH PAUL WARD, M.D., CLARKSVILLE, AR, MISSISSIPPI MEDICAL LICENSE NUMBER 14255, AGREED ORDER NOT TO RENEW OR SEEK REINSTATEMENT OF MEDICAL LICENSE**

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

Dr. Merideth advised that the Board had sent Dr. Ward an Agreed Order Not to Renew or Seek Reinstatement of his Medical License due to actions taken by the Arkansas State Medical Board. After a brief discussion, motion was made by Dr. Mayo, seconded by Dr. Merideth, and carried unanimously to accept the Agreed Order Not to Renew or Seek Reinstatement of his Mississippi Medical License. A copy of Dr. Ward's Agreed Order Not to Renew or Seek Reinstatement is attached hereto and incorporated by reference.

**SIDNEY KELTON PACE, M.D., OXFORD, MISSISSIPPI MEDICAL LICENSE NUMBER 13638, AGREED ORDER OF REPRIMAND**

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

Dr. Merideth advised that Dr. Pace appeared at the September 17, 2008, Executive Committee meeting. Dr. Merideth advised that after discussing the matter with Dr. Pace that the Executive Committee unanimously agreed to take Dr. Pace's request to surrender his medical license under advisement. Dr. Merideth advised that Dr. Pace had decided to keep his Mississippi medical license and had signed an Agreed Order of Reprimand mirroring the actions of the Alabama State Board of Medical Examiners relative to internet prescribing. After a brief discussion, motion was made by Dr. Mayo, seconded by Dr. Merideth, and carried unanimously to accept Dr. Pace's Agreed Order of Reprimand. A copy of Dr. Pace's Agreed Order of Reprimand is attached hereto and incorporated by reference.

**VIRGINIA M. MILLS, M.D., HOUSTON, TX, MISSISSIPPI MEDICAL LICENSE NUMBER 19658**

Dr. Merideth advised that the Board had received information that the Texas Medical Board had suspended Dr. Mills' license because she failed to comply with a Consent Order following a closed head injury. A draft copy of a Consent Order to indefinitely suspend Dr. Mills' Mississippi license was reviewed. After a brief discussion, motion was made by Dr. Mayo, seconded by Dr. Merideth, and carried unanimously to proceed with the Board's process. If Dr. Mills does not wish to execute and return the proposed Consent Order in ten (10) days, she has the right to appear before the Board in an evidentiary hearing.

**EXECUTIVE COMMITTEE MINUTES**

**November 19, 2008**

**Page 3**

**UPDATE ON CHARLES STROUD KNIGHT, M.D., JACKSON, MISSISSIPPI MEDICAL LICENSE NUMBER 06210**

Dr. Merideth advised that the Board had sent Dr. Knight a letter on October 14, 2008, advising that Stan Ingram, the Board's Counsel, had sent him a letter on July 22, 2008, requesting that he surrender his medical license. To date, Dr. Knight still has failed to surrender his medical license.

Dr. Merideth advised that information from the Flowood Municipal Court showed that Dr. Knight pled nolo contendere for practicing medicine at Women's River Oaks Hospital. The paperwork advises that Dr. Knight was found guilty and was fined \$317.00, given 90 days jail time suspended upon 12 months of good behavior.

After a brief discussion, the Executive Committee unanimously agreed to deny Dr. Knight's petition for reinstatement and seek disciplinary action for his conviction. Motion was made by Dr. Mayo, seconded by Dr. Merideth, and carried unanimously to have the Executive Director decide the date that Dr. Knight would be summoned before the Board to discuss his petition for reinstatement as well as seek disciplinary action for his conviction.

**DR. GIBSON ENTERS THE MEETING AT 02:30 P.M.**

**REQUEST FROM STANLEY RUSSELL, M.D., BRANDON, MISSISSIPPI MEDICAL LICENSE NUMBER 03623, TO WAIVE OR ALLOW INSTALLMENTS TO BE PAID**

Dr. Merideth advised that the Board had received a letter from Dr. Russell requesting that the investigative costs related to his consent order be waived or he be allowed to pay back in installments. Mr. Ingram advised that if the Board allows Dr. Russell to pay the costs in installments that a precedent might be set for others to make the same request. After a brief discussion, motion was made by Dr. Gibson, seconded by Dr. Mayo, and carried unanimously to give Dr. Russell until March 31, 2009, to repay the investigative costs. The Executive Committee decided that since his initial Consent Order was signed on March 27, 2008, that allowing him until March 31, 2009, was sufficient time for him to repay the Board the full amount.

**JOHN MCFADDEN, M.D., TUPELO, MISSISSIPPI MEDICAL LICENSE NUMBER 05129, REQUEST**

Dr. Merideth advised that Dr. McFadden has contacted Dr. Craig requesting reinstatement of his Mississippi medical license. Mr. Ingram advised that on June 17, 2003, the matter was placed in abeyance and pending the hearing, Dr. McFadden was prohibited from practicing medicine. After a brief discussion, the Executive Committee



## **EXECUTIVE COMMITTEE MINUTES**

**November 19, 2008**

**Page 4**

unanimously agreed that Dr. Craig should invite Dr. McFadden to appear at the January Executive Committee meeting to discuss the matter.

### **ONSITE VISIT CONDUCTED AT TAYLORSVILLE MEDICAL CLINIC, MARTIN DREW HARVEY, M.D., COLLABORATIVE PHYSICIAN, MISSISSIPPI MEDICAL LICENSE NUMBER 14818**

Dr. Merideth requested that Ruby Litton, RN, Compliance Nurse, discuss this matter. Ms. Litton advised that she had performed an onsite visit at Dr. Harvey's collaborative clinic and discovered that he has not visited the clinic in more than three (3) years but reviews the charts electronically. Also, Dr. Harvey was unable to provide a copy of the protocol. Ms. Litton advised that in a memorandum dated August 23, 2006, from the previous Executive Director, Mal Morgan, M.D., that it was discussed with Dr. Harvey that he would review 100% of controlled substances prescribed and 5% of all others.

After a brief discussion, motion was made by Dr. Mayo, seconded by Dr. Merideth, and carried unanimously to approve sending the letter dated November 19, 2008, with a couple of editorial changes, and also that the Board request additional documentation. A copy of the letter is attached hereto and incorporated by reference.

### **MISSISSIPPI PROFESSIONALS HEALTH PROGRAM 2007 ANNUAL AUDIT**

Dr. Merideth distributed copies of MPHP's 2007 annual audit for review. The Executive Committee members referred several questions concerning the audit to have Dr. Craig investigate and advise.

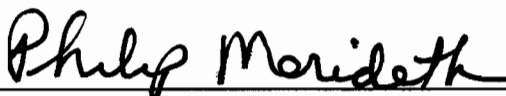
### **REVIEW OF NOVEMBER 20, 2008, BOARD AGENDA**

Dr. Merideth briefly reviewed the agenda for tomorrow's meeting.

### **ADJOURNMENT**

There being no further business, the meeting adjourned at 3:20 p.m.

Minutes taken and transcribed  
by Sherry Harris  
Staff Officer  
November 19, 2008

  
\_\_\_\_\_  
Philip T. Merideth, M.D., J.D.  
President

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

**OF**

**RADWAN RAFIK KHURI, M.D.**

**AGREED ORDER REPRIMAND**

**WHEREAS**, Radwan Rafik Khuri, M.D., hereinafter referred to as "Licensee," is the current holder of License No. 14657, issued December 4, 1995, to practice medicine in the State of Mississippi;

**WHEREAS**, On May 30, 2008, Licensee entered into a Consent Order with the North Carolina Medical Board for violations of the Board's Nurse Practitioner Rules in meeting the requirements of ongoing supervision, collaboration, consultation and evaluation of a nurse practitioner. Licensee was found to be supervising some of the nurse practitioners from his office in Memphis, Tennessee. Licensee agreed to a reprimand and to comply with certain terms and conditions (Exhibit A);

**WHEREAS**, On July 9, 2008, the Mississippi State Board of Medical Licensure Executive Committee considered the North Carolina Medical Board's action and requested an investigation into Licensee's practice to ensure that he was in compliance with the Board's Rules and Regulation pertaining to collaborating with a nurse practitioner;

**WHEREAS**, Licensee's renewal information indicated his primary practice was located in Batesville, Mississippi, with a mailing address in Memphis, Tennessee, and that he had a collaborative relationship with a nurse practitioner in Water Valley, Mississippi;

**WHEREAS**, On August 22, 2008, Licensee responded to an inquiry by the Mississippi State Board of Medical Licensure's Executive Director by letter. Licensee admitted to allowing office personnel to submit and certify on his behalf the information in the renewal of his

Mississippi medical license for 2008-09. Licensee acknowledged that the information submitted on his practice location was incorrect and reported his relationship with the nurse practitioner had been terminated in 2006;

**WHEREAS**, pursuant to Mississippi Code Annotated Sections, 73-25-29(8)(d), (f), (9), (13) and Section 73-25-83(a), as amended, Licensee's failure to comply with the regulation regarding change of address, allowing another party to certify incorrect licensure information on his 2008-09 renewal and the action taken by the State of North Carolina constitutes grounds for which the Mississippi State Board of Medical Licensure may revoke the medical license of Licensee, suspend it for a time deemed proper by the Board or take any other action the Board may deem proper under the circumstances;

**WHEREAS**, Licensee wishes to avoid a hearing before the Mississippi State Board of Medical Licensure and in lieu thereof has consented to the issuance of a formal public reprimand by the Mississippi State Board of Medical Licensure;

**NOW, THEREFORE**, the Mississippi State Board of Medical Licensure, with the consent of Licensee as signified by his joinder herein, does hereby formally Reprimand Licensee.

Licensee further understands that violation of this Order or any other Orders or Agreements that Licensee has entered into, or is subject to from other Licensing authorities shall constitute evidence of unprofessional conduct and will be grounds for further disciplinary action by the Mississippi State Board of Medical Licensure. Licensee shall comply with all Federal and State laws governing the practice of medicine and should he be desirous of returning to the State of Mississippi to practice medicine, shall so notify the Mississippi State Board of Medical Licensure in writing at least ninety (90) days prior to relocation to the State of Mississippi.

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

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

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

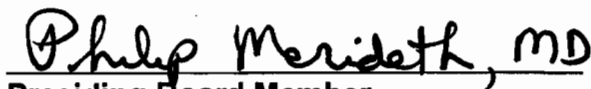
Recognizing his right to notice of charges specified against him, to have such charges adjudicated pursuant to Mississippi Code annotated, Section 73-25-27 (1972), to be represented therein by legal counsel of his choice and to a final decision rendered upon written findings of fact and conclusions of law, Radwan Rafik Khuri, M.D., nonetheless, hereby waives his right to notice and a formal adjudication of charges and authorizes the Board to enter an order accepting this Reprimand.

Signed this the 14<sup>th</sup> day of October, 2008.



Radwan Rafik Khuri, M.D.

ACCEPTED AND APPROVED, this the 20<sup>th</sup> day of November, 2008, by the  
Mississippi State Board of Medical Licensure.



Presiding Board Member  
Mississippi State Board of Medical Licensure

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

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

**OF**

**JOSEPH PAUL WARD, M.D.**

**AGREED ORDER NOT TO RENEW  
OR SEEK REINSTATEMENT OF MEDICAL LICENSE**

**WHEREAS, Joseph Paul Ward, M.D.,** hereinafter referred to as "Licensee," is the current holder of License Number 14255, issued February 9, 1995, to practice medicine in the State of Mississippi;

**WHEREAS,** On March 17, 2008, Licensee entered into a Consent Order with the Arkansas State Medical Board to successfully take and complete the SPEX exam and report the findings at the next regularly scheduled meeting;

**WHEREAS,** On August 18, 2008, the Arkansas State Medical Board issued an Emergency Order of Suspension and Notice of Hearing for failing to establish competency by taking and successfully completing the SPEX exam. A copy of said Order is attached hereto as Attachment "A;"

**WHEREAS,** Licensee's license to practice medicine in Mississippi lapsed on June 30, 2008;

**WHEREAS,** pursuant to Subsections (8)(d) and (9) of Section 73-25-29, Mississippi Code (1972), Annotated, the aforementioned actions constitute grounds for which the Mississippi State Board of Medical Licensure may revoke the Mississippi Medical License of Licensee, suspend his right to practice for a time deemed proper by the Board, place

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

**WHEREAS**, pursuant to Mississippi law and the rules and regulations of the Board, Licensee has the right to seek reinstatement of licensure, a right which can only be relinquished by action of the Board or by agreement by and between Licensee and the Board;

**WHEREAS**, Licensee wishes to resolve the pending matter by relinquishing his right to seek reinstatement of licensure and Licensee does hereby agree never to renew or to seek reinstatement of said license at anytime in the future.

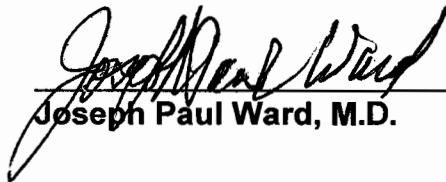
Licensee understands and expressly acknowledges that this Agreed Order shall constitute a public record of the State of Mississippi and the information submitted to the National Practitioners's Data Bank shall accurately reflect this Agreement.

**NOW, THEREFORE, Joseph Paul Ward, M.D.**, acknowledges his decision not to renew his license number 14255 to practice medicine in the State of Mississippi, said license having lapsed effective June 30, 2008; and Licensee does hereby agree never to seek reinstatement of said license at anytime in the future.

Pursuant to Miss. Code Ann., Section 73-25-30, Licensee agrees to pay all costs associated with the investigation and conduct of the disciplinary proceeding herein. Licensee shall be advised of the total assessment by separate written notification, and shall have a certified check or money order made payable to the Mississippi State Board of Medical Licensure on or before forty (40) days from the day of acceptance and approval of this Consent Order by the Board.

Recognizing his right to notice of charges specified against him, to have such charges adjudicated pursuant to Miss. Code (1972) annotated, Sections 73-25-1 et seq., to be represented therein by legal counsel of his choice, and to a final decision based upon written findings of fact and conclusions of law, **Joseph Paul Ward, M.D.**, nonetheless hereby waives his right to notice and a formal adjudication of charges, and authorizes the Board to enter this Agreed Order, thereby prohibiting Licensee from ever seeking renewal or reinstatement of his lapsed medical license.

EXECUTED this the 29 day of October, 2008.

  
\_\_\_\_\_  
Joseph Paul Ward, M.D.

ACCEPTED, this the 20<sup>th</sup> day of November, 2008.

  
\_\_\_\_\_  
Presiding Board Member  
Mississippi State Board of Medical Licensure

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

**OF**

**SIDNEY KELTON PACE, M.D.**

**AGREED ORDER OF REPRIMAND**

**WHEREAS**, Sidney Kelton Pace, M.D., hereinafter referred to as "Licensee," is the current holder of License No. 13638, issued August 16, 1993, to practice medicine in the State of Mississippi;

**WHEREAS**, On June 25, 2008, Licensee entered into a Stipulation and Consent Order with the Alabama State Board of Medical Examiners for violations of the Ala. Code §34-24-360 (2002), for prescribing medications to patients for whom Licensee had no face to face contact or verification that the recipients of Licensee's prescriptions were legitimate patients; for receiving payment solely to prescribe to patients and failure of Licensee to personally have documentation or patient records on those patients for whom Licensee prescribed medications. Licensee agreed to a reprimand and to comply with certain terms and conditions (Exhibit A);

**WHEREAS**, pursuant to Subsections (8)(d) and (9) of Section 73-25-29, Mississippi Code (1972), Annotated, the aforementioned Stipulation and Consent Order with the Alabama State Board of Medical Examiners constitutes restrictions placed on Licensee's medical license in another jurisdiction, grounds for which the Mississippi State Board of Medical Licensure may revoke the Mississippi medical license of Licensee, suspend his right to practice for a time deemed proper by the Board, place his license on probation, the terms of which may be set by the Board or take any other action in relation to his license as the Board may deem proper under the circumstances;



**WHEREAS**, Licensee wishes to avoid a hearing before the Mississippi State Board of Medical Licensure and in lieu thereof has consented to the issuance of a formal public reprimand by the Mississippi State Board of Medical Licensure;

**NOW, THEREFORE**, the Mississippi State Board of Medical Licensure, with the consent of Licensee as signified by his joinder herein, does hereby formally Reprimand Licensee.

Licensee further understands that violation of this Order or any other Orders or Agreements that Licensee has entered into, or is subject to from other Licensing authorities shall constitute evidence of unprofessional conduct and will be grounds for further disciplinary action by the Mississippi State Board of Medical Licensure. Licensee shall comply with all Federal and State laws governing the practice of medicine.

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

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

Licensee further understands and agrees that following completion of each course, Licensee shall provide the Mississippi State Board of Medical Licensure with documentary proof

of successful completion of 50 hours of continuing medical education as ordered by the Alabama State Board of Medical Examiners (Exhibit A).

Recognizing his right to notice of charges specified against him, to have such charges adjudicated pursuant to Mississippi Code (1972) Annotated, Sections 73-25-27 and 73-25-83, 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, SIDNEY KELTON PACE, M.D., nonetheless, hereby waives his right to notice and a formal adjudication of charges and authorizes the Board to enter an order accepting this Reprimand.

Signed this the 4<sup>th</sup> day of November 2008.

  
\_\_\_\_\_  
Sidney Kelton Pace, M.D.

ACCEPTED AND APPROVED this the 20<sup>th</sup> day of November 2008, by the  
Mississippi State Board of Medical Licensure.

  
\_\_\_\_\_  
Presiding Board Member  
Mississippi State Board of Medical Licensure

TELEPHONE: (601) 987-3079



FAX: (601) 987-6822

**MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**

H. Vann Craig, M.D., Executive Director

December 2, 2008

Martin Drew Harvey, M.D.  
P.O. Box 1629  
Collins, MS 39428

Dear Dr. Harvey:

I have received a report from Mississippi State Board of Medical Licensure investigator, Ms Ruby Litton, concerning deficiencies noted during her inspection visit of October 22, 2008. The memorandum dated August 23, 2006, from Dr. Mal Morgan, the previous Executive Director, states that you are to review all charts where patients receive controlled substance prescriptions from your Nurse Practitioner and 5% of the patients seen by the Nurse Practitioner on a monthly basis. In addition, you agreed to onsite visits to observe at least once a month. According to Ms Litton, you are not doing this and the Board feels you are not properly collaborating with your Nurse Practitioner. Additionally, there was no chart log available for review by our inspector. These procedures need to be changed at once. Failure to institute these changes may result in your disqualification as a collaborating /consulting physician.

Further, I request a copy of the original protocol you signed (not the renewal form) and a copy of the letter you sent to the Board of Nursing requesting and justifying the need for your Nurse Practitioner to write prescriptions for controlled substances.

Sincerely,

H. Vann Craig, M.D.  
Executive Director

HVC/ral



**BOARD**

**MEETING**

**MINUTES**

**BOARD MINUTES  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
NOVEMBER 20, 2008**

The regularly scheduled meeting of the Mississippi State Board of Medical Licensure was held on Thursday, November 20, 2008, in the Board Room of the Office of the Board located at 1867 Crane Ridge Drive, Jackson, Mississippi.

The following members were present:

Philip T. Merideth, M.D., J.D., Jackson, President  
Don A. Gibson, M.D., Richland, Vice President  
William S. Mayo, D.O., Oxford, Secretary  
Larry B. Aycock, M.D., McComb  
Dewitt G. Crawford, M.D., Louisville  
Virginia M. Crawford, M.D., Hattiesburg  
A. Wallace Conerly, M.D., Jackson  
S. Randall Easterling, M.D., Vicksburg

Also present:

Stan T. Ingram, Complaint Counsel for the Board  
Ellen O'Neal, Assistant Attorney General  
Rhonda Freeman, Bureau Director, Licensure Division  
Thomas Washington, Bureau Director, Investigative Division  
Frances Scott, Special Projects Officer, Investigative Division  
Sherry Harris, Staff Officer  
Wesley Breland, Hattiesburg, Consumer Health Committee  
Cecil R. Burnham, Jackson, Consumer Health Committee

Not present:

H. Vann Craig, M.D., Director  
Martha Thompson, Oxford, Consumer Health Committee

The meeting was called to order at 9:00 a.m. by Dr. Merideth, President. The invocation was given by Dr. D. Crawford and the pledge was led by Dr. Gibson. Dr. Merideth extended a welcome to all visitors present at the meeting. Dr. Merideth advised that Dr. Craig was not present today due to the death of his mother and read some interesting facts about her life.

Dr. Merideth opened the floor for public comments but there were none.

**BOARD MINUTES**  
**November 20, 2008**  
**Page 2**

**APPROVAL OF CERTIFICATION OF MISSISSIPPI LICENSES TO OTHER ENTITIES FOR THE PERIOD SEPTEMBER 01, 2008, THROUGH OCTOBER 31, 2008**

One hundred seventy (170) licenses were certified to other entities for the period September 01, 2008, through October 31, 2008. Motion was made by Dr. D. Crawford, seconded by Dr. Easterling, and carried unanimously to approve these certifications.

**APPROVAL OF LICENSES ISSUED FOR THE PERIOD SEPTEMBER 01, 2008, THROUGH OCTOBER 31, 2008**

Seventy-one (71) licenses were issued for the period September 01, 2008, through October 31, 2008. Motion was made by Dr. Mayo, seconded by Dr. D. Crawford, and carried unanimously to approve these licenses.

**REVIEW OF MINUTES OF THE EXECUTIVE COMMITTEE MEETING DATED SEPTEMBER 17, 2008, AND MINUTES OF THE BOARD MEETING DATED SEPTEMBER 18, 2008**

Minutes of the Executive Committee meeting dated September 17, 2008, and Minutes of the Board meeting dated September 18, 2008, were reviewed. Dr. Gibson moved for approval of the minutes as submitted. Dr. Mayo seconded the motion, and it carried unanimously.

**REPORT OF NOVEMBER 19, 2008, EXECUTIVE COMMITTEE MEETING**

Dr. Merideth advised that the Executive Committee had accepted Agreed Orders of Reprimand from Radwan Khuri, M.D., and Sidney Kelton Pace, M.D. Also, Dr. Merideth advised that Joseph Paul Ward, M.D., had accepted an Agreed Order Not to Renew or Seek Reinstatement of his medical license. Dr. Merideth advised that the Executive Committee had agreed to prepare and send Virginia Mills, M.D., a Consent Order mirroring actions taken by the Texas Medical Board that would indefinitely suspend her Mississippi medical license. Dr. Mills will be given ten (10) days to accept the Order or thereafter be summoned to appear before the Board in an evidentiary hearing. Information pertaining to the Executive Committee's disciplinary actions are included in the Executive Committee Minutes dated November 19, 2008.

Dr. Merideth advised that the Executive Committee had agreed to invite Charles Knight, M.D., to appear before the full Board and Dr. Craig will determine the date. Dr. Merideth advised that Stanley Russell, M.D., had been given until March 31, 2009, to pay investigative costs that he owes the Board, and also that John McFadden, M.D., had petitioned the Board for reinstatement and would be invited to appear at the January 2009 Executive Committee meeting. Information pertaining to the Executive

**BOARD MINUTES**  
**November 20, 2008**  
**Page 3**

Committee's decisions on the above are included in the Executive Committee Minutes dated November 19, 2008.

Motion was made by Dr. Easterling, seconded by Dr. Mayo, and carried unanimously to ratify the actions of the Executive Committee.

**REPORTS FROM COMMITTEES**

**Consumer Health** - Mr. Breland (Chair), Ms. Thompson, Mr. Burnham

Mr. Breland advised there was no new information to report.

**Education & Workforce** - Dr. Conerly (Chair), Dr. D. Crawford, Dr. Mayo

Dr. Conerly advised there was no new information to report.

**Scope of Practice** - Dr. V. Crawford (Chair), Dr. Easterling, Dr. Aycock

Dr. V. Crawford advised that the Scope of Practice Committee had a meeting on Wednesday, November 19, 2008, to discuss several issues. Dr. V. Crawford said that the first issue was concerning hospitalists. Dr. V. Crawford advised that the Board had received a letter from Dr. Joseph Burnett concerning hospitalists practicing in Greenwood. The committee reviewed national guidelines concerning hospitalist practice and there was no consensus on regulation of patient volume. The committee recognizes that this will be an area of medicine that is developing and national guidelines may be developed. At this time, the Scope of Practice Committee recommends that no action is necessary and no regulations are needed to limit hospitalist practice. A follow-up letter to Dr. Burnett is recommended. Motion was made by Dr. Aycock, seconded by Dr. Easterling and carried unanimously that Dr. Craig and Dr. V. Crawford need to collaborate on the letter to Dr. Burnett.

Dr. V. Crawford advised that the Scope of Practice Committee also reviewed the letter from the Mississippi State Board of Physical Therapy dated July 23, 2008, concerning PT's performing EMG's. After review, the Scope of Practice Committee feels that additional considerations need to be addressed prior to drafting a response to the PT Board. Initial thoughts are that the Board's current regulations do not need to be changed, but additional information will be requested and reviewed.

Dr. V. Crawford advised that the Scope of Practice Committee reviewed guidelines for new procedures performed by physicians expanding their scope of practice. The committee reviewed Arizona's Scope of Practice guidelines. The Scope of Practice Committee feels that a similar document would be appropriate for

**BOARD MINUTES**  
**November 20, 2008**  
**Page 4**

Mississippi and the committee is working on a draft that will be presented at the January 2009 meeting.

Dr. V. Crawford advised that the Scope of Practice Committee needs to review our regulation concerning prescription guidelines - controlled substances. Dr. V. Crawford stated that the second sentence of the regulation that reads, "this responsibility must never be delegated to non-physician personnel" needs to be changed to include nurse practitioners and physician assistants. Dr. V. Crawford advised that the Scope of Practice Committee will work on the language and submit to the Board at the January 2009 meeting for input.

**Professional Health Program** - Dr. Gibson (Chair), Dr. Mayo, Dr. Merideth

Dr. Gibson advised there was no new information to report.

**Rules, Regulation & Legislative** - Dr. Easterling (Chair), Dr. D. Crawford

Dr. Easterling advised there was no new information to report.

**Ethics** - Dr. Merideth (Chair), Dr. V. Crawford, Dr. Conerly

Dr. Merideth advised there was no new information to report.

**Electronic Medical Records** - Dr. Aycock (Chair), Dr. V. Crawford, Dr. Mayo

Dr. Aycock advised there was no new information to report. Mr. Washington, Bureau Director, Investigative Division, advised that the DEA are advising that they will have standards in place soon to allow electronic prescriptions for controlled substances.

**UPDATE FROM ROBERT GALLI, M.D., UNIVERSITY OF MISSISSIPPI MEDICAL CENTER'S TELEMERGENCY PROGRAM**

The progress report concerning the University of Mississippi Medical Center's Telemergency Program dated October 16, 2008, was discussed. Dr. D. Crawford asked if they have plans to expand beyond the emergency room in non-emergency areas, i.e., making weekend rounds. Board members expressed several concerns about telemergency outside the emergency room. The Board unanimously agreed to request that Dr. Craig correspond with the Robert Galli, M.D., at UMC to ask Dr. Galli for more information and if their intent is to expand beyond the emergency room.



**FAIMER VERSUS CALIFORNIA LIST OF MEDICAL SCHOOLS AND FIFTH PATHWAY**

Dr. Merideth asked Ms. Freeman, Bureau Director, Licensure Division, to discuss the proposed amended regulation change concerning Fifth Pathway and IMG Schools, as well as the FAIMER versus California list of approved medical schools. Ms. Freeman briefly discussed the proposed amendment change and explained why the Board needs to update the current regulation. Ms. Freeman advised that California has an approved and non approved list that they use to determine international medical schools approval and this might be an option for the Board to adopt since other states have used California's lists.

After a brief discussion and concerns from legal counsel, the Board requested that Ms. Freeman research and determine how other states decided to use California's process.

Ms. Freeman also advised that Dr. Craig wants the Board to approve when we will cease accepting Fifth Pathway examinations either December 2008 or December 2009. After a brief discussion, the Board unanimously agreed to defer the vote until more information is provided by Ms. Freeman.

Dr. D. Crawford made the recommendation and it was accepted that the matter be referred to the Educational Workforce Committee to work with Ms. Freeman and bring a proposal before the Board for input and approval.

**CENTER FOR PERSONALIZED EDUCATION FOR PHYSICIANS (CPEP) LEARNING SUMMIT**

Dr. Merideth advised that Dr. Craig had requested approval for he and Ms. Freeman to attend the Learning Summit held February 26 -27, 2009, in Denver, CO, at an approximate cost of \$1500.00 for both of them. Motion was made by Dr. Easterling, seconded by Dr. Mayo, and carried unanimously for them to attend CPEP's meeting.

**PHYSICIANS/NURSE PRACTITIONERS RESPONSIBILITY IN A NURSING HOME AS MANDATED BY CENTERS FOR MEDICARE AND MEDICAID**

For informational purposes only, Dr. Merideth advised that information had been received from the Centers for Medicare and Medicaid (CMS) stating the physician/nurse practitioners responsibility in a nursing home. Dr. Merideth said that residents in a nursing home must be seen by a physician (face to face contact) at least once every 30 days for the first 90 days after admission, and at least once every 60 days thereafter.

**FINAL ADOPTION OF AMENDMENT TO LICENSURE REGULATION GOVERNING THE PRACTICE OF PODIATRISTS**

Motion was made by Dr. D. Crawford, seconded by Dr. Mayo, and carried unanimously of the Board's intent to final adopt the amended regulation governing the practice of podiatrists. A copy of the amended regulation is attached hereto and incorporated by reference. The regulation will be filed with the Secretary of State under the Administrative Procedures Act.

**DISCUSSION OF CHANGES AND/OR FINAL ADOPTION OF AMENDED REGULATION CONCERNING COLLABORATION/CONSULTATION WITH NURSE PRACTITIONERS**

Dr. V. Crawford said that this matter will be handled by the Scope of Practice Committee and the newly formed subcommittee from the Joint Committee. Dr. V. Crawford advised that this matter will be brought before the Board at a later date.

**OTHER BUSINESS**

Upon a motion by Dr. Aycock, seconded by Dr. Easterling, and carried unanimously the Board went into Executive Session to discuss a personnel matter.

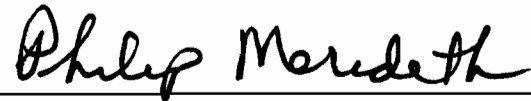
Upon a motion by Dr. Aycock, seconded by Dr. Easterling and carried unanimously the Board came out of Executive Session at which time Dr. Merideth asked Dr. Mayo to report on the Board's decision. Dr. Mayo advised that the Board unanimously agreed that the Board not go forward with hiring an in-house attorney and instead retain Stan Ingram in our 2010 budget as a contractual complaint counsel.

Dr. Sullivan advised that the Board of Nursing would be hosting the next Joint Practice Committee meeting on Wednesday, January 14, 2009, at the Board of Nursing office.

**ADJOURNMENT**

The meeting adjourned at 11:35 a.m., with the next meeting scheduled for Thursday, January 15, 2009. The possibility of a lengthy hearing was discussed due to the number of cases to be brought before the Board.

**BOARD MINUTES**  
**November 20, 2008**  
**Page 7**



---

**PHILIP T. MERIDETH, M.D., J.D.**  
**President**

Minutes taken and transcribed  
by Sherry Harris  
Staff Officer  
November 20, 2008

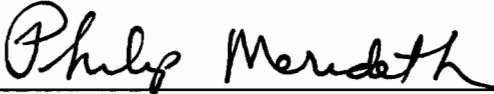
**EXECUTIVE SESSION**  
**MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**  
**November 20, 2008**

AGENDA ITEM:      Personnel matters - senior attorney staff position

Motion made by Dr. Easterling, seconded by Dr. V. Crawford, and carried unanimously that the Board not go forward with hiring an in-house attorney and instead retain Stan Ingram in our 2010 budget.

<u>VOTE:</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Larry B. Aycock, M.D.	X			
A. Wallace Conerly, M.D.	X			
Dewitt G. Crawford, M.D.	X			
Virginia M. Crawford, M.D.	X			
S. Randall Easterling, M.D.	X			
Don A. Gibson, M.D.	X			
William S. Mayo, D.O.	X			
Philip T. Merideth, M.D., J.D.	X			

With a motion by Dr. Aycock, seconded by Dr. Easterling, the Board came out of Executive Session.

  
\_\_\_\_\_  
Philip T. Merideth, M.D., J.D.  
President

NOTICE OF RULE ADOPTION—FINAL RULE

COPY

STATE OF MISSISSIPPI  
Mississippi State Board of Medical Licensure

FILED  
NOV 20 2008

Mississippi State Board of Medical Licensure  
c/o Rhonda Freeman  
1867 Crane Ridge Drive, Suite 200-B  
Jackson, MS 39216

(601) 987-3079  
rhonda@msbml.state.ms.us

MISSISSIPPI  
SECRETARY OF STATE  
Specific Legal Authority Authorizing Rule: {Insert citation to state or federal statute, or rule Section 73-43-11

Reference to Rules repealed, amended or suspended by the Proposed Rule : {Insert citation to specific rule(s) repealed, amended or suspended Chapter 03 Licensure Regulations Governing the Practice of Podiatrists

Date Rule Proposed:

Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule:

Amendments to this regulation will allow podiatrists who graduated from an approved college of podiatric medicine prior to 1990, has continuously practiced for the past 10 years and has an unrestricted license, the opportunity to request a waiver of the 1 year post graduate training requirement.

The Agency Rule Making Record for this rule including any written comments received during the comment period and the record of any oral proceeding is available for public inspection by contacting the Agency at the above address.

An oral proceeding was held on this rule:

Date:  
Time:  
Place:

An oral proceeding was not held on this rule.

The Agency has considered the written comments and the presentations made in any oral proceedings, and

This rule as adopted is without variance from the proposed rule.

This rule as adopted differs from the proposed rule as there are minor editorial changes which affect the form rather than the substance of the rule.

The rule as adopted differs from the proposed rule. The differences however are:  
Within the scope of the matters in the Notice of Proposed Rule Adoption, the logical outgrowth of the contents of the Notice of Proposed Rule Adoption and the comments submitted in response thereto, and  
The Notice of Proposed Rule Adoption provided fair warning that the outcome of the proposed rule adoption could be the rule in question.

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Effective Date of Rule: 30 days from filing date

Signature and Title of Person Submitting Rule for Filing

Rhonda Freeman  
Bureau Director

TELEPHONE: (601) 987-3079



FAX: (601) 987-4159

## MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

**TO:** Mississippi Secretary of State  
**From:** Mississippi State Board of Medical Licensure  
**Date:** November 20, 2008  
**Subject:** Notice of Proposed Rule Adoption - Final Rule

Mississippi Code §73-43-11 gives the Mississippi State Board of Medical Licensure the power to promulgate and publish reasonable rules and regulations necessary to enable it to discharge its functions and to enforce the provisions of law regulating the practice of medicine.

This rule as adopted is without variance from the proposed rule.

This is an amendment to Board regulation, Chapter 03, Section 202, Licensure Regulations Governing the Practice of Podiatrists, amendments to this regulation will allow podiatrists who graduated from an approved college of podiatric medicine prior to 1990, has continuously practiced for the past 10 years and has an unrestricted license, the opportunity to request a waiver of the one year of post graduate training requirement.

## Chapter 03 Licensure Regulations Governing the Practice of Podiatrists

### Licensure by Examination

- 100 To qualify for admission by examination, an individual shall meet the following requirements, provided that the Board may admit any individual to the examination while reserving its right to deny licensure if that individual fails to meet all requirements for licensure subsequent to success or completion of the examination:
1. Applicant must satisfy the Board that he or she is at least twenty-one (21) years of age and of good moral character.
  2. Applicant must have had at least four (4) years of high school and be graduate of same; he or she shall have at least one (1) year pre-podiatry college education.
  3. Present a diploma from a college of podiatric medicine recognized by the Board as being in good standing, subject to the following conditions:
    - a. Any diploma or other document required to be submitted to the Board by an applicant which is not in the English language must be accompanied by a certified translation thereof into English.
    - b. No college of podiatry or chiropody shall be accredited by the Board as a college of good standing which does not require for graduation a course of study of at least four (4) years (eight and one-half [8½] months each) and be recognized by the Council on Education of the American Podiatry Association at the time of graduation.
  4. Present certified copy of birth certificate or valid passport.
  5. Successfully take an examination for podiatrists. The applicant shall be examined in the following subjects: anatomy, histology, physiology, chemistry, pharmacy, materia medica, therapeutics, bacteriology, pathology, surgery, dermatology, neurology, physical therapy, diagnosis and roentgenology, orthopedics, chiropody and chiropodial surgery, limited in their scope to the treatment of the human foot and leg, and if found qualified shall receive a license. The minimum of requirements for license shall be a general average of seventy-five percent (75%) of all the subjects involved, provided that a grade of not less than sixty percent (60%) be made on any one (1) subject or branch given in the examination held. However, applicants are encouraged to take the examinations given by the National Board of Podiatry Examiners.
  6. Complete an application for podiatry license and submit it to the Board in the manner prescribed by the Board with a recent passport type photograph.
  7. Submit fee prescribed by the Board.
  8. Appear for a personal interview in the office of the Mississippi State Board of Medical Licensure and successfully pass the Jurisprudence Examination as administered by the Board.

### Licensure by Reciprocity or Endorsement

- 200 If the original license of an applicant was obtained by state board examination, the applicant must have the state board where original license was obtained by written

examination submit a certified copy of the examination directly to the Board.

- 201 The Board may affiliate with and recognize for the purpose of waiving examination and may grant licenses to Diplomates of the National Board of Podiatric Examiners. If a Diplomate of the National Board of Podiatric Examiners, the applicant must have certification of endorsement from that Board submitted directly to the Board.
- 202 In addition to the above requirements for licensure by reciprocity and/or endorsement, an individual shall meet the following requirements:
1. Applicant must be twenty-one (21) years of age, and of good moral character.
  2. Applicant must have had at least four (4) years high school and be graduate of same; he or she shall have at least one (1) year pre-podiatry college education.
  3. Present a diploma from a college of podiatric medicine recognized by the Board as being in good standing, subject to the following conditions.
    - a. Any diploma or other document required to be submitted to the Board by an applicant which is not in the English language must be accompanied by a certified translation thereof into English.
    - b. No college of podiatry or chiropody shall be accredited by the Board as a college of good standing which does not require for graduation a course of study of at least four (4) years (eight and one-half [8½] months each) and be recognized by the Council on Education of the American Podiatry Association at the time of graduation.
  4. Present proof of completion of one (1) year of APMA-approved postgraduate training in the U.S. or Canada. If the podiatrist graduated from an accredited college of podiatric medicine prior to 1990, has continuously practiced for the past ten (10) years and has held unrestricted license(s) to practice podiatry, the one (1) year of APMA-approved postgraduate training may be waived at the Board's discretion.
  5. Present certified copy of birth certificate or valid passport.
  6. Complete an application for podiatry license and submit it to the Board in the manner prescribed by the Board with a recent passport type photograph.
  7. Submit fee prescribed by the Board.
  8. Appear for a personal interview in the office of the Mississippi State Board of Medical Licensure and successfully pass the Jurisprudence Examination as administered by the Board.

**Amended March 8, 2007. Amended May 17, 2007. Amended January 24, 2008.  
Amended November 20, 2008.**