

EXECUTIVE COMMITTEE

INDEXES

2010

**MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
INDEX OF 2010 EXECUTIVE COMMITTEE MINUTES**

<u>NAME</u>	<u>MONTH</u>
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Ali, Mahmoud	March
.	May
Bobo, Edgar Earl	March
Buechler, Kurt Alan	January
Burford, Sandra Falgout	November
Clarke, Mildred	November
Crabb, James Luther	November
Cruz, Ruben S	May
Dixon, Persharon M	November
Egger, Edwin	May
Finch, Charles David	November
Foreman, Thomas G	September
Garner, Daniel C	November
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Manuele, James Carl, Jr.	November
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Marom, Zvi	January July
Marquardt, Tosha Hamner, PA	May
Matticks, Roderick Lynn	May July
McMillin, Fitten Lamar, Jr.	March
McNair, Alfred	November
Newell, Roderick Gray	July
Ongkingco, Pacifico Dizon, Jr.	May
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UMC

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2010**

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Marom, Zvi	March
.	May
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Morris, Steve III	November
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O'Brien, Edward J	July
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<u>TOPIC</u>	<u>MONTH</u>
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Federation of State Medical Boards (FSMB)	
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Nominating Committee Report	May

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Frank Gamill, support for PMP program / fees January
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Telemedicine (Chap 28) March
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Telemedicine (Chap 19) (combined Chapters 19 & 28) March
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Telemedicine May
Proposed amendment changes to regulation concerning medical expert
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Final adoption of amendment to regulation concerning medical expert
Activities by physicians May
Proposed amendment to regulation concerning practice of medical
Doctors, Osteopathic Physicians and Podiatrists May

Presentations

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MS Health Partners - Alan Peeples, M.D. July
Physician Assistant - Dr. Philpot - Director new school January
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Licensure / Investigative Orientation for new members November

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Charles Thomas November

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- Center for Professionals Well-Being approved January
- Sante' Center for Healing July
- Dept of Health requesting backing with proposed Senate Bill 3029 . . .November
- UMC managing pregnant women with opiate abuseNovember

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- Update from Dr. Galli / reporting question January
- See proposed regulation changes above March

Updates

- Life Line Screening 2009 update March

JANUARY 2010

**MINUTES
EXECUTIVE COMMITTEE MEETING
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
JANUARY 20, 2010**

MEMBERS PRESENT:

Don A. Gibson, M.D., Richland, President
William S. Mayo, D.O., Oxford, Vice President
S. Randall Easterling, M.D., Vicksburg, 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
Leslie Ross, Investigations Supervisor
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, January 20, 2010, at 1:00 p.m. in the Executive Conference Room of the Office of the Board located at 1867 Crane Ridge Drive, Jackson, Mississippi.

DISCUSS RAMAKRISHNA R. SETTIPALLI, M.D., APPLICANT

Dr. Craig advised that Dr. Settipalli is an applicant that exceeded the seven (7) year rule to complete Steps 1, 2 and 3 of the USMLE. Dr. Craig advised that it took Dr. Settipalli eight (8) years and five (5) months to complete all 3 steps. After a brief discussion, motion was made by Dr. Mayo to advise Dr. Settipalli that it was determined that his explanation for the overage of the seven (7) year time period does not meet the criteria for extraordinary circumstances and, therefore, he is not eligible for a permanent Mississippi medical license. The motion was seconded by Dr. Easterling, and carried unanimously.

LETTER FROM STANLEY RUSSELL, M.D., JACKSON, MS

Dr. Craig advised that Dr. Russell wrote a letter to Dr. Gibson, at the Board's address, requesting a meeting with him. After a brief discussion, the Executive Committee unanimously agreed to inform Dr. Russell that any exparte communication with any Board member is inappropriate as it may cause them to have to recuse themselves from any part of a hearing should he come back before the Board.

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DISCUSS KURT ALAN BUECHLER, M.D., RIDGELAND, MISSISSIPPI MEDICAL LICENSE NUMBER 19844

Dr. Craig advised that the Board had received a complaint from a mother about Dr. Buechler's association with her daughter supplying documentary evidence dealing with boundary issues. Dr. Craig advised that he has had numerous calls from the mother concerning the investigation and requesting information.

After a brief discussion, motion was made by Dr. Easterling, seconded by Dr. Mayo, and carried unanimously to advise her that her complaint has been investigated and is being dealt with in a very appropriate manner, but due to the confidential nature of our investigations we are unable to provide specifics.

DISCUSS ZVI MAROM, M.D., NEW YORK, NY, MISSISSIPPI MEDICAL LICENSE NUMBER 18789

Dr. Craig advised that the Board had received a complaint about a physician in an emergency room and while investigating the complaint some information concerning an agreement that was made with Dr. Marom was discovered. Dr. Craig advised that Dr. Marom's license was approved under the condition that his practice would be limited to Correctional Medical Services only and it appears that for approximately the last two (2) years he has been working in an emergency room.

After a brief discussion, motion was made by Dr. Mayo, seconded by Dr. Easterling, and carried unanimously to invite Dr. Marom to appear before the Board in a hearing at the March Board meeting.

UPDATE ON BRUCE EDWARD PORTER, M.D., ST. GEORGE, UT, MISSISSIPPI MEDICAL LICENSE NUMBER 18599

For informational purposes only, Dr. Craig advised that the matter with Dr. Porter was still open and that after we had sent a Consent Order for Dr. Porter to sign and return that his attorney had notified the Board that Dr. Porter refused to sign the Order and also stated that he requested that he refuse any communication from the Board on his behalf.

Mr. Ingram, Complaint Counsel for the Board, discussed the possible options. Motion was made by Dr. Gibson, seconded by Dr. Mayo, and carried unanimously that Mr. Ingram draft a letter to Dr. Porter's attorney requesting that Dr. Porter provide the Board a letter agreeing never to seek renewal of his Mississippi medical license.

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**REQUEST FROM CALVIN RAMSEY, M.D., MILLINGTON, TN, MISSISSIPPI
MEDICAL LICENSE NUMBER 07905**

Dr. Craig advised that Dr. Ramsey is incarcerated and currently under a Consent Order. Dr. Craig stated that Dr. Ramsey has written the Board requesting that the Consent Order dated May 1, 2009, be revoked and requesting a formal hearing.

After a brief discussion, motion was made by Dr. Mayo, seconded by Dr. Easterling, and carried unanimously to advise Dr. Ramsey that in lieu of a hearing he signed the Consent Order indefinitely suspending his medical license to avoid the time and expense of a hearing, and that he has the right to petition the Board for reinstatement after he has served his sentence and probation.

**UPDATE ON GREGG SPAULDING HUNTER, M.D., HOUMA, LA, MISSISSIPPI
MEDICAL LICENSE NUMBER 14990**

Dr. Craig advised that this matter has been ongoing for a while but that Dr. Hunter has gotten his Louisiana medical license back and was requesting that the Board give him some additional time to pay the \$982.24 due for investigative costs.

Motion was made by Dr. Gibson, seconded by Dr. Easterling, and carried unanimously to allow Dr. Hunter an additional sixty (60) days to settle his obligation with the Board before taking any further disciplinary action.

**JAMES WESLEY ADAMS, II, M.D., MEMPHIS, TN, MISSISSIPPI MEDICAL LICENSE
NUMBER 10673, AGREED ORDER OF REPRIMAND**

Dr. Craig advised that the Board had previously sent Dr. Adams an Agreed Order of Reprimand mirroring action taken by the Tennessee Medical Board. Dr. Craig advised that Dr. Adams had signed and returned the Agreed Order for the Board's approval.

Motion was made by Dr. Mayo, seconded by Dr. Easterling, and carried unanimously to accept Dr. Adams' Agreed Order of Reprimand. A copy of the Agreed Order of Reprimand is attached hereto and incorporated by reference.

**NEWSLETTER FROM GARY CARR, M.D., MEDICAL DIRECTOR OF
PROFESSIONALS HEALTH NETWORK, INC**

Dr. Craig advised that he had received a copy of Dr. Carr's second newsletter to Mississippi physicians and stated that it is his understanding that a physician can only undergo treatment that the Board has approved.

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After a brief discussion, the Executive Committee unanimously agreed to invite Dr. Carr to the March Executive Committee meeting to discuss this matter since his organization is not recognized under the Mississippi Disabled Physician Law as a referral entity and any advocacy/monitoring that he provides cannot be approved by the Board.

FOR INFORMATIONAL PURPOSES, KENTRELL LIDDELL, M.D., JACKSON, MISSISSIPPI MEDICAL LICENSE NUMBER 17997

For informational purposes, Dr. Craig advised that the Board had issued a cease and desist letter to Dr. Liddell after she pled guilty to and was convicted of embezzlement in violation of Miss. Code Ann. §97-11-25, and is currently under house arrest for two (2) years. Dr. Craig advised that Dr. Liddell refused to surrender her medical license.

After a brief discussion, motion was made by Dr. Easterling, seconded by Dr. Mayo, and carried unanimously to invite Dr. Liddell for a hearing at the March Board meeting.

PERSONAL APPEARANCE BY JOHN HERZOG, M.D., CLEVELAND, MISSISSIPPI MEDICAL LICENSE NUMBER 09800

Dr. Craig advised that Dr. Herzog is a cardiologist in Greenville at Delta Regional Medical Center and that he had been invited to the Executive Committee to discuss an Adverse Action Report that the Board had received concerning some interventional cases.

Dr. Herzog joined the meeting and was represented by legal counsel, Katie Gilchrist. Dr. Herzog had executed a written agreement for this informal meeting, a copy of which is attached hereto and incorporated by reference.

Dr. Craig advised Dr. Herzog that he was under a Forbearance Agreement with the Board that was approved on May 19, 2004. Dr. Craig advised Dr. Herzog that he was in violation of the agreement by not notifying the Board of the action taken by Delta Regional Medical Center. Dr. Herzog advised that he thought the Forbearance Agreement expired in a year or he would have asked to appear before the Board.

Dr. Craig asked Dr. Herzog to discuss the problems at Delta Regional Medical Center. Dr. Herzog addressed the Board and covered the cases as well as the review process at the hospital, and advised that the Fair Hearing Panel said that the hospital should reinstate his privileges.

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After answering questions from the Executive Committee, Dr. Herzog was advised that they would discuss the matter and get back with his attorney.

DR. EASTERLING EXITED THE MEETING AT 2:40 P.M.

After further discussion, motion was made by Dr. Mayo and seconded by Dr. Gibson to advise Dr. Herzog that the Executive Committee requests that he contact the Center for Personalized Education for Physicians (CPEP) in Denver, CO., within two (2) weeks of notification for an appointment for a clinical evaluation, and to advise the Board of the scheduled date of his evaluation. Should Dr. Herzog fail to act on this request, a Summons and Affidavit will be issued requesting him to appear before the Board at the March 11, 2010, meeting charging him with violations of his Forbearance Agreement.

OTHER BUSINESS

PHYSICIAN ASSISTANTS WITH A TEMPORARY LICENSE

Dr. Craig covered our rules and regulations concerning temporary licensure for physician assistants. Dr. Craig asked if a physician assistant with a temporary license should have prescriptive authority.

After discussing the matter, the Executive Committee unanimously agreed that a physician assistant should have their master's degree to have prescriptive authority and that no prescriptive authority would be granted until all their schooling was complete.

REVIEW OF JANUARY 21, 2010, BOARD AGENDA

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

ADJOURNMENT

There being no further business, the meeting adjourned at 3:00 p.m.



Don A. Gibson, M.D.
President

Minutes taken and transcribed
by Sherry Harris
Staff Officer
January 20, 2010

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

JAMES WESLEY ADAMS, II, M.D.

AGREED ORDER OF REPRIMAND

WHEREAS, James Wesley Adams, II, M.D., hereinafter referred to as "Licensee," is the current holder of License No. 10673, issued July 1, 1985, to practice medicine in the State of Mississippi;

WHEREAS, On July 21, 2009, Licensee entered into a Consent Order with the Tennessee Board of Medical Examiners for violations of the Tenn Code Ann. §63-6-01, et seq, for prescribing medications to himself and family members without maintaining medical records. Licensee agreed to a reprimand and to comply with certain terms and conditions (Exhibit A);

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

WHEREAS, 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.

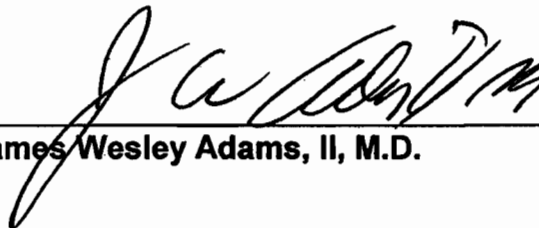
Licensee further understands that violation of this Order or any other Orders or Agreements that Licensee has entered into, or is subject to from other Licensing authorities shall constitute evidence of unprofessional conduct and will be grounds for further disciplinary action by the Mississippi State Board of Medical Licensure. Licensee shall comply with all Federal and State laws governing the practice of medicine.

This 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.

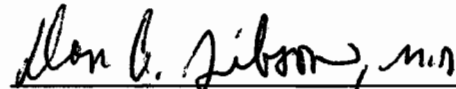
Recognizing his right to notice of charges specified against him, to have such charges adjudicated pursuant to Mississippi Code annotated, Section 73-25-27 (1972), to be represented therein by legal counsel of his choice and to a final decision rendered upon written findings of fact and conclusions of law, James Wesley Adams, II, 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 7 day of December 2009.


James Wesley Adams, II, M.D.

ACCEPTED AND APPROVED this the 21st day of January

2010, by the Mississippi State Board of Medical Licensure.


Don A. Gibson, M.D., President
Mississippi State Board of Medical Licensure

**STATE OF TENNESSEE
DEPARTMENT OF HEALTH**

IN THE MATTER OF:)	BEFORE THE TENNESSEE
)	BOARD OF MEDICAL EXAMINERS
JAMES W. ADAMS, II, M.D.)	
(License No. 16135))	
3960 Knight Arnold Rd., Suite 115A)	CASE NO.: 2007009421
Memphis, TN 38118)	
)	
Respondent)	

CONSENT ORDER

Comes now the Division of Health Related Boards of the Tennessee Department of Health ("State"), by and through the Office of General Counsel, and Respondent, James W. Adams, II, M.D., ("Respondent"), and respectfully moves the Tennessee Board of Medical Examiners ("Board") for approval of this Consent Order affecting Respondent's medical license in the State of Tennessee.

The Board is responsible for the regulation and supervision of medical doctors licensed to practice in the State of Tennessee. TENN. CODE ANN. § 63-6-101, *et seq.* It is the policy of the Board to require strict compliance with the laws of this State, and to apply the laws so as to preserve the quality of medical care provided in Tennessee. It is the duty and responsibility of the Board to enforce the Tennessee Medical Practice Act in such a manner as to promote and protect the public health, safety and welfare in every practicable way, including disciplining medical doctors who violate the provisions of TENN. CODE ANN. § 63-6-101, *et seq.* or the Rules and Regulations promulgated by the Board and recorded in the Official Compilation of Rules and Regulations of the State of Tennessee ("TENN. COMP. R. & REGS.").

The Respondent, by his signature to this Consent Order, waives the right to a contested case hearing and any and all rights to judicial review in this matter. Respondent agrees that

presentation to and consideration of this Consent Order by the Board for ratification and all matters divulged during that process shall not constitute unfair disclosure such that the Board or any of its members shall be prejudiced to the extent that requires their disqualification from hearing this matter should this Order not be ratified. Likewise, all matters, admissions and statements disclosed or exchanged during the attempted ratification process shall not be used against the Respondent in any subsequent proceeding unless independently entered into evidence or introduced as admissions.

Respondent expressly waives all further procedural steps and expressly waives all rights to seek judicial review of or to challenge or contest the validity of this Consent Order. Respondent understands that by signing this Consent Order, Respondent is allowing the Board to issue its order without further process. In the event that the Board rejects this Consent Order for any reason, it will be of no force or effect for either party.

I. STIPULATIONS OF FACT

1. At all times pertinent hereto, the Respondent, James W. Adams, was licensed as a medical doctor by the State of Tennessee Board of Medical Examiners having been issued license number 17331 on March 13, 1985 with a license expiration date of May 31, 2010.
2. Respondent prescribed numerous controlled medications to himself and family members without maintaining medical records.

II. GROUNDS FOR DISCIPLINE

The facts stipulated to in the Stipulations of Fact are sufficient to establish that grounds for discipline of Respondent's medical license exist. Specifically, Respondent has violated the following statutes or rules which are part of the Tennessee Medical Practice Act, TENN. CODE

ANN. §§ 63-6-101, *et seq.* and TENN. COMP. R. & REGS for which disciplinary action before and by the Board is authorized:

1. The facts stipulated in paragraph 2, constitute a violation of TENN. CODE ANN. §63-6-214(b):
 - (1) Unprofessional, dishonorable or unethical conduct;
 - (4) Gross malpractice, or a pattern of continued or repeated malpractice, ignorance, negligence or incompetence in the course of medical practice;
 - (12) Dispensing, prescribing or otherwise distributing any controlled substance or any other drug not in the course of professional practice, or not in good faith to relieve pain and suffering, or not to cure an ailment, physical infirmity or disease, or in amounts and/or for durations not medically necessary, advisable or justified for a diagnosed condition;

and

Rule 0880-2-.14(7)(a) of the TENN. COMP. R. & REGS

- (7) Prerequisites to Issuing Prescriptions or Dispensing Medications - In Person, Electronically, and Over the Internet:
 - (a) Except as provided in subparagraph (b), it shall be a prima facie violation of T.C.A. §63-6-214 (b) (1), (4), and (12) for a physician to prescribe or dispense any drug to any individual, whether in person or by electronic means or over the Internet or over telephone lines, unless the physician, or his/her licensed supervisee pursuant to appropriate protocols or medical orders, has first done and appropriately documented, for the person to whom a prescription is to be issued or drugs dispensed, all of the following:
 1. Performed an appropriate history and physical examination; and
 2. Made a diagnosis based upon the examinations and all diagnostic and laboratory tests consistent with good medical care; and

3. Formulated a therapeutic plan, and discussed it, along with the basis for it and the risks and benefits of various treatments options, a part of which might be the prescription or dispensed drug, with the patient; and
4. Insured availability of the physician or coverage for the patient for appropriate follow-up care.

III. POLICY STATEMENT

The Tennessee Board of Medical Examiners takes the following action in order to protect the health, safety and welfare of the citizens of the State of Tennessee.

IV. ORDER

NOW THEREFORE, Respondent, for the purpose of avoiding further administrative action with respect to this cause, agrees to the following:

1. Respondent's Tennessee Medical License is hereby **REPRIMANDED**.
2. Respondent must enroll in and successfully complete within twelve (12) months of the entry of this Order, the three (3) day medical course entitled "*Prescribing Controlled Drugs*" offered at The Center for Professional Health at Vanderbilt University Medical Center located in Nashville, Tennessee, or an equivalent course pre-approved by the Board's Consultant.
3. Respondent is assessed one hundred thirty nine (139) Type "B" Civil Penalties in the amount of one hundred dollars (\$100.00) for a total of thirteen thousand nine hundred dollars (\$13,900.00). Representing the one hundred thirty nine (139) prescriptions Respondent wrote without maintaining a medical record.
4. Within thirty (30) days after completion of any training or courses required by the terms of this Order, Respondent shall mail or deliver proof of compliance with this course

requirement to: **Disciplinary Coordinator, The Division of Health Related Boards, Tennessee Department of Health, 227 French Landing, Suite 300, Heritage Place Metro Center, Nashville, Tennessee 37243.** Any Continuing Medical Education ("CME") course hours earned from attendance and completion of the course required by this paragraph shall be in addition to the CME hours required to maintain licensure.

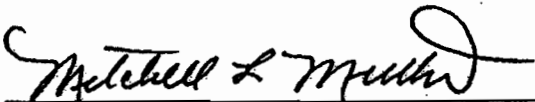
5. Respondent must pay, pursuant to TENN. CODE ANN. § 63-6-214(k) and Rule 0880-2-.12(1)(j) of the TENN. COMP. R. & REGS., the actual and reasonable costs of prosecuting this case to the extent allowed by law, including all costs assessed against the Board by the Division's Bureau of Investigations in connection with the prosecution of this matter. These costs will be established by an Affidavit of Costs prepared and filed by counsel for the Department. Said costs shall not exceed one thousand dollars (\$1,000.00).
6. Any and all costs shall be paid in full within thirty (30) days after the issuance of the Affidavit of Costs. Payment shall be made by certified check, cashier's check, or money order, payable to the State of Tennessee, Department of Health. Any and all payments shall be forwarded to the **Disciplinary Coordinator, The Division of Health Related Boards, Tennessee Department of Health, Heritage Place Metro Center, 227 French Landing, Suite 201, Nashville, Tennessee 37243.** A notation shall be placed on said money order or such check that it is payable for the Affidavit of Costs of James W. Adams, II, M.D., Case No. 2007009421.
7. Any and all civil penalties shall be paid in full within thirty (30) days of the entry of this Order. Payment shall be made by certified check, cashier's check, or money order, payable to the State of Tennessee, Department of Health. Any and all payments shall be forwarded to the **Disciplinary Coordinator, The Division of Health Related Boards,**

Tennessee Department of Health, Heritage Place Metro Center, 227 French Landing, Suite 201, Nashville, Tennessee 37243. A notation shall be placed on said money order or such check that it is payable for the Civil Penalties of James W. Adams, II, M.D., Case No. 2007009421.

8. Respondent understands that this is a formal disciplinary action and will be reported to the Health Integrity and Protection Data Bank and/or similar agency.

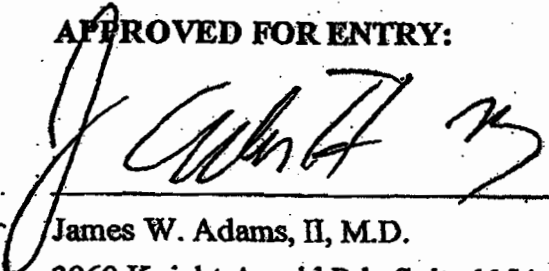
V. NOTICE

This Consent Order was approved by a majority of a quorum of the Tennessee Board of Medical Examiners at a public meeting of the Board and signed this 21 day of July, 2009.



Chairperson
Tennessee Board of Medical Examiners

APPROVED FOR ENTRY:



James W. Adams, II, M.D.
3960 Knight Arnold Rd., Suite 115A
Memphis, TN 38118

6/30/09

DATE



Shiva K. Bozarth, BPR #. 22685

Office of General Counsel

Deputy General Counsel

Suite 210

220 Athens Way

Nashville, Tennessee 37243

(615) 741-1611

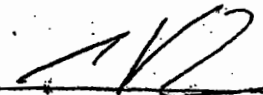
7/8/09
DATE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of this document has been served upon the following by delivering same in the United States regular mail and United States certified mail, return receipt requested number 7009 0820 0001 2426 0614, with sufficient postage thereon to reach its destination.

James W. Adams, II, M.D.
3960 Knight Arnold Rd., Suite 115A
Memphis, TN 38118

This 24th day of July, 2009.



Shiva K. Bozarth
Deputy General Counsel

AGREEMENT TO APPEAR INFORMALLY BEFORE EXECUTIVE COMMITTEE

I, **JOHN L. HERZOG, 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 my pending application for a Mississippi medical license and resolution of the investigation raising possible grounds for denial. 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: Katie Gilchrist)
 without legal counsel present

EXECUTED, this the 20 day of January, 2010.

Witness: Sherry Harris

John L. Herzog, M.D.
JOHN L. HERZOG, M.D.,

BOARD

MEETING

MINUTES

**BOARD MINUTES
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
JANUARY 21, 2010**

The regularly scheduled meeting of the Mississippi State Board of Medical Licensure was held on Thursday, January 21, 2010, 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
Larry B. Aycock, M.D., McComb
Dewitt G. Crawford, M.D., Louisville
Virginia M. Crawford, M.D., Hattiesburg
A. Wallace Conerly, M.D., Jackson
William B. Jones, M.D., Greenwood
Philip T. Merideth, M.D., J.D., Jackson

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
Charles Thomas, Yazoo City, Consumer Health Committee

Not present:

S. Randall Easterling, M.D., Vicksburg, Secretary

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. Merideth. Dr. Gibson welcomed Deborah Williams, Court Reporter, and Mr. Charles Thomas of Yazoo City as the newly appointed Consumer Health Committee member. Dr. Gibson welcomed Dr. Kim LeBlanc and Tony Rutigliano from the Federation of State Medical Boards and Dr. Robert Philpot with Mississippi College. Also, Dr. Gibson extended a welcome to all other visitors present at today's meeting.

Dr. Gibson opened the floor for public comments but there were none.

BOARD MINUTES

January 21, 2010

Page 2

APPROVAL OF CERTIFICATION OF MISSISSIPPI LICENSES TO OTHER ENTITIES FOR THE PERIOD NOVEMBER 01, 2009, THROUGH DECEMBER 31, 2009

One hundred eighty-one (181) licenses were certified to other entities for the period November 01, 2009, through December 31, 2009. 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 NOVEMBER 01, 2009, THROUGH DECEMBER 31, 2009

Forty-nine (49) licenses were issued for the period November 01, 2009, through December 31, 2009. 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 NOVEMBER 18, 2009, AND MINUTES OF THE BOARD MEETING DATED NOVEMBER 19, 2009

Minutes of the Executive Committee meeting dated November 18, 2009, and Minutes of the Board Meeting dated November 19, 2009, were reviewed. Dr. D. Crawford moved for approval of the minutes as submitted. Dr. Mayo seconded the motion, and it carried unanimously.

REPORT OF JANUARY 20, 2010, EXECUTIVE COMMITTEE MEETING

Dr. Craig briefly discussed issues that were approved by the Executive Committee on January 20, 2010. Information pertaining to the Executive Committee's decisions are included in the Executive Committee Minutes dated January 20, 2010.

All issues/actions approved and reported by the Executive Committee on Wednesday, January 20, 2010, were ratified unanimously by the Full Board.

REPORTS FROM COMMITTEES

Consumer Health - Mr. Breland (Chair), 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.

BOARD MINUTES

January 21, 2010

Page 3

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

Dr. Crawford said her committee needs a copy of the recommendations to consider concerning the collaborative relationships with APRN's.

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. Jones

Dr. Easterling was not present, but Dr. D. Crawford 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 said he will report at the end of the meeting as they have a proposed regulation to be considered for adoption.

PRESENTATION BY ROBERT J. PHILPOT, JR., PHD, PA-C, DIRECTOR AND ASSOCIATE PROFESSOR, PHYSICIAN ASSISTANT PROGRAM AT MISSISSIPPI COLLEGE

Dr. Craig introduced Dr. Philpot and advised that he is the Associate Professor and Chairman of the new Physician Assistant program opening at Mississippi College.

Dr. Philpot thanked the Board for the invitation and gave a very informative presentation concerning the PA program, curriculum, and why Mississippi needs a PA program. After the presentation, Dr. Philpot opened the floor and answered several questions from the Board members.

PRESENTATION BY KIM EDWARD LEBLANC, M.D., MEMBER OF THE FEDERATION OF STATE MEDICAL BOARDS BOARD OF DIRECTORS AND OUR LIAISON

Dr. Craig introduced Dr. LeBlanc, member of the Federation's Board of Directors and Mississippi's liaison, and Tony Rutigliano, Director of Government Affairs at the Federation.

BOARD MINUTES
January 21, 2010
Page 4

Dr. LeBlanc and Mr. Rutigliano provided the Board with a very informative presentation concerning the history of the organization and discussed several of the programs/features offered by the Federation. After the presentation, Dr. LeBlanc and Mr. Rutigliano answered questions from the Board members.

UPDATE FROM ROBERT GALI, M.D., PROFESSOR AND CHAIR, DEPARTMENT OF EMERGENCY MEDICINE, THE UNIVERSITY OF MISSISSIPPI MEDICAL CENTER

Dr. Craig briefly discussed a letter that the Board had received from Dr. Galli, Professor and Chair of the Telemedicine Program at UMC. Dr. Craig advised that the Board's rules and regulations state that we should receive quarterly reports from Dr. Galli's program; however, Dr. Galli advised that he had verbally agreed with the past Executive Director of the Board for annual reports.

After a brief discussion, motion was made by Dr. D. Crawford, seconded by Dr. Mayo, and carried unanimously to refer the matter to the Electronic Records Committee to research and present at the next Board meeting.

REQUEST FROM PHARMACY BOARD TO ASSESS FEE TO FUND THE MISSISSIPPI PRESCRIPTION MONITORING PROGRAM

Mr. Frank Gamill, Executive Director of the Pharmacy Board, addressed the Board and requested the Board's support and help in promoting legislation that would help fund their Prescription Monitoring Program (PMP). Mr. Gamill advised the program had previously been funded by a grant but that money was gone and now they were requesting the Board's support in helping to fund the program. Mr. Gamill advised that the legislation that they wanted to have introduced would seek a \$10.00 fee on our physician's annual renewal.

After a brief discussion and several suggestions about who should pay the fees, the Board unanimously agreed to discuss the matter further and have Dr. Craig advise Mr. Gamill of their decision.

THE BOARD RECESSED AT 10:50 A.M. AND RECONVENED AT 11:00 A.M.

FINAL ADOPTION OF AMENDMENT TO REGULATION CONCERNING RELEASE OF MEDICAL RECORDS

Motion was made by Dr. Mayo, seconded by Dr. V. Crawford, and carried unanimously of the Board's intent to final adopt the amendment to the regulation concerning release of medical records. A copy of the amended regulation is attached hereto and incorporated by reference. The regulation will be filed with the Secretary of

BOARD MINUTES
January 21, 2010
Page 5

State under the Administrative Procedures Act.

**PROPOSED ADOPTION OF REGULATION CONCERNING THE PRACTICE OF
TELEMEDICINE**

Dr. Aycock briefly reviewed the proposed regulation and advised that this matter is definitely a work in progress and will be updated as needed. After discussing, motion was made by Dr. Mayo, seconded by Dr. Aycock, and carried unanimously of the Board's intent to adopt the proposed regulation concerning the practice of telemedicine. A copy of the proposed regulation is attached hereto and incorporated by reference. The proposed regulation will be filed with the Secretary of State under the Administrative Procedures Act.

**APPROVAL OF BOARD MEMBERS AND STAFF ATTENDING AIM AND FSMB
ANNUAL MEETINGS IN CHICAGO, IL, APRIL 21 THRU APRIL 24**

Dr. Craig advised that this is the year that our past president, Freda Bush, M.D., will be inducted as Chair of the Federation. Motion was made by Dr. D. Crawford, seconded by Dr. Mayo, and carried unanimously to approve the expenses for the following individuals: Dr. Craig, Thomas Washington, Rhonda Freeman and Sherry Harris to attend the Administrators in Medicine meeting on April 21st, and for Dr. Craig, Dr. Mayo, Dr. V. Crawford, Dr. D. Crawford, Thomas Washington, Rhonda Freeman and Sherry Harris to attend the Federation meeting April 22 - 24, 2010, in Chicago, IL.

**HEARING IN THE CASE OF SANTANU SOM, D.O., NATCHEZ, MISSISSIPPI
MEDICAL LICENSE NUMBER 20149**

Mr. Ingram, Complaint Counsel for the Board, addressed the Board and advised that Dr. Som nor his attorney were here today. Mr. Ingram advised that Dr. Som had been issued a Summons and Affidavit to appear but had requested a Motion for Indefinite Continuance.

After a brief discussion, motion was made by Dr. Mayo, seconded by Dr. Merideth, and carried unanimously to grant Dr. Som a continuance until the March Board meeting and advise him that the Board was opposed to an indefinite continuance.

A copy of the Order of Continuance is attached hereto and incorporated by reference.

A verbatim account of this proceeding was recorded by Deborah Williams, Court Reporter.

BOARD MINUTES

January 21, 2010

Page 6

REQUEST FROM MISSISSIPPI PROFESSIONALS HEALTH PROGRAM TO APPROVE THE CENTER FOR PROFESSIONAL WELL-BEING TO BOARD'S APPROVED LIST OF TREATMENT FACILITIES

After a brief discussion, motion was made by Dr. Aycock, seconded by Dr. Mayo, and carried unanimously to approve the Center for Professional Well-Being to the Board's approved list of treatment facilities.

THE BOARD RECESSED FOR LUNCH AT 11:15 A.M. AND RECONVENED AT 12:30 P.M.

PERSONAL APPEARANCE BY HORRELL H. TOWNSEND, III, D.O., OCEAN SPRINGS, MISSISSIPPI MEDICAL LICENSE NUMBER 11143

Mr. Ingram advised that Dr. Townsend was present but was not represented by legal counsel. Mr. Ingram introduced Dr. Townsend and advised that he was here requesting that all restrictions be removed from his medical license. Mr. Ingram questioned Dr. Townsend regarding legal representation and he stated that he wanted to waive his right to an attorney and proceed without legal counsel.

Mr. Ingram addressed the Board and entered an exhibit and said that he had no other information at this time. Dr. Townsend addressed the Board and thanked them for the opportunity to appear and stated that he was here to request all restrictions be lifted from his medical license.

Upon a motion by Dr. Mayo, seconded by Dr. D. Crawford, and carried unanimously, the Board went into Executive Session to discuss the matter.

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 advised that the Board unanimously voted to release Dr. Townsend from the restrictions on his license upon verification that he had completed his MPHP monitoring contract. A copy of the Order Removing all Restrictions is attached hereto and incorporated by reference.

A verbatim account of this proceeding was recorded by Deborah Williams, Court Reporter.

BOARD MINUTES

January 21, 2010

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**PERSONAL APPEARANCE BY KIM NAGEL, M.D., CLEVELAND, MISSISSIPPI
MEDICAL LICENSE NUMBER 20088**

Mr. Ingram introduced Dr. Nagel and advised that he was here without legal counsel, but that George Wilkerson, M.D., Medical Director of the Mississippi Professionals Health Program (MPHP), was present to advocate for him.

Mr. Ingram questioned Dr. Nagel regarding legal representation and he stated that he wanted to waive his right to an attorney and proceed without legal counsel. Mr. Ingram addressed the Board and covered Dr. Nagel's Consent Order before entering an exhibit.

Dr. Nagel addressed the Board and stated that he was here today requesting that all the restrictions be lifted from his medical license. Dr. Wilkerson advised that Dr. Nagel has satisfactorily completed his monitoring contract and has the advocacy of MPHP, and wishes to voluntarily continue his contract with MPHP.

Upon a motion by Dr. Aycock, seconded by Dr. Mayo, and carried unanimously, the Board went into Executive Session to discuss the matter.

Upon a motion by Dr. D. Crawford, seconded by Dr. Aycock, 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 voted to remove all restrictions from Dr. Nagel's medical license. A copy of the Order Removing all Restrictions is attached hereto and incorporated by reference.

A verbatim account of this proceeding was recorded by Deborah Williams, Court Reporter.

**PERSONAL APPEARANCE BY MARK BURTMAN, M.D., COLUMBUS, MISSISSIPPI
MEDICAL LICENSE NUMBER 18110**

Mr. Ingram advised that Dr. Burtman was present but was not represented by legal counsel. Mr. Ingram introduced Dr. Burtman and advised that he was here requesting that restrictions be removed from his medical license. Mr. Ingram questioned Dr. Burtman regarding legal representation and he stated that he wanted to waive his right to an attorney and proceed without legal counsel.

Dr. Burtman was sworn in by the court reporter prior to addressing the Board. Mr. Ingram addressed the Board and entered an exhibit into the record and briefly explained why Dr. Burtman had requested to appear.

BOARD MINUTES

January 21, 2010

Page 8

Dr. Burtman addressed the Board and thanked them for allowing him to appear. Dr. Burtman explained that he was requesting the restrictions be lifted from his license and answered several questions from Board members.

Upon a motion by Dr. D. Crawford, seconded by Dr. Mayo, and carried unanimously, the Board went into Executive Session to discuss the matter.

Upon a motion by Dr. V. Crawford, seconded by Dr. Merideth, 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 in a 7 vote for and 1 vote against made the decision to lift all restrictions with the following exception: Licensee shall not be permitted to prescribe, dispense or administer any controlled substances for the treatment of obesity, weight loss or weight control. After one (1) year Licensee may return to the Board to requesting lifting of this restriction. A copy of the Board's Order Partially Removing Restrictions is attached hereto and incorporated by reference.

A verbatim account of this proceeding was recorded by Deborah Williams, Court Reporter.

KENTRELL MARIE LIDDELL, M.D., JACKSON, MISSISSIPPI MEDICAL LICENSE NUMBER 17997, SURRENDER OF MEDICAL LICENSE

Dr. Craig advised that the Board received a voluntary surrender from Dr. Liddell in Wednesday's mail. Mr. Ingram addressed the Board and explained that Dr. Liddell had been offered the surrender to avoid an evidentiary hearing and that after consideration she had signed and returned the surrender.

Motion was made by Dr. Aycock, seconded by Dr. Mayo, and carried unanimously to accept Dr. Liddell's surrender. A copy of the Surrender of Medical License is attached hereto and incorporated by reference.

PERSONAL APPEARANCE BY ROBERT S. CORKERN, M.D., BATESVILLE, MISSISSIPPI MEDICAL LICENSE NUMBER 12101

Mr. Ingram advised that Dr. Corkern was present but was without legal counsel. Mr. Ingram advised that Dr. Corkern had executed a written agreement for this informal meeting, a copy of which is attached hereto and incorporated by reference. Mr. Ingram advised that Dr. Corkern had not be formally charged to appear but that he was here at his request prior to signing the Consent Order that the Board had offered. Mr. Ingram questioned Dr. Corkern regarding legal counsel and Dr. Corkern stated that he wanted to waive his right to an attorney and proceed without legal counsel.

BOARD MINUTES

January 21, 2010

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DR. CONERLY EXITED THE MEETING AT 1:50 P.M.

Mr. Ingram briefly covered the proposed Consent Order prior to Dr. Corkern addressing the Board. Dr. Corkern stated that he had made some mistakes by taking his patients' word too much. Dr. Corkern answered several questions from the Board about his prescribing issues. Dr. Corkern asked the Board to amend the Consent Order to remove the restrictions on his DEA so that he would be able to work in an emergency room. Angela Lee, with the DEA, stated that Dr. Corkern voluntarily surrendered his DEA and that he could work in a hospital emergency room if he applies for a waiver to use the hospital's DEA number.

Upon a motion by Dr. Mayo, seconded by Dr. D. Crawford, with Dr. Aycok abstaining, the Board voted to accept the Consent Order as currently proposed. A copy of the Board's Consent Order is attached hereto and incorporated by reference.

ADJOURNMENT

There being no further business, the meeting adjourned at 2:15 p.m., with the next meeting scheduled for Thursday, March 11, 2010.



Don A. Gibson, M.D.
President

Minutes taken and transcribed
by Sherry Harris
Staff Officer
January 21, 2010

**EXECUTIVE SESSION
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
JANUARY 21, 2010**

AGENDA ITEM: XV. Personal appearance by Horrell H. Townsend, III, D.O.

Motion made by Dr. D. Crawford, seconded by Dr. Aycock, and carried unanimously to release Dr. Townsend from restrictions on his license and to reinstate to full licensure upon verification of completion from MPHP's program.

<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. Jones, 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
President

**EXECUTIVE SESSION
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
JANUARY 21, 2010**

AGENDA ITEM: XVI. Personal appearance by Kim Nagel, M.D.

Motion made by Dr. Aycock, seconded by Dr. D. Crawford, and carried unanimously to remove all restrictions from Dr. Nagel'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. Jones, 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
President

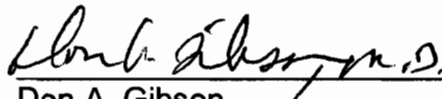
**EXECUTIVE SESSION
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
JANUARY 21, 2010**

AGENDA ITEM: XVII. Personal appearance by Mark Burtman, M.D.

Motion made by Dr. Aycock, seconded by Dr. Jones, in a vote of seven (7) for, one (1) against, and one (1) member absent to lift all restrictions with the following exception: Licensee shall not be permitted to prescribe, dispense or administer any controlled substances for the treatment of obesity, weight loss or weight control. After one (1) year Dr. Burtman may return to the Board to request a lifting of this restriction.

<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. Jones, 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. Merideth, the Board came out of Executive Session.



Don A. Gibson
President

FILED
JAN 22 2010

**MISSISSIPPI
SECRETARY OF STATE**

NOTICE OF RULE ADOPTION—FINAL RULE

COPY

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 08 Release of Medical Records}

Date Rule Proposed: November 19, 2009

Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule: {Insert here
The amendment to this regulation removes the wording that specifically addresses physicians and replaces it with licensee.

This is due to the Board licensing and regulating professions other than physicians.

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

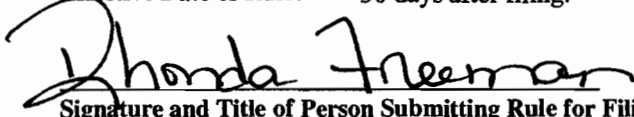
This rule as adopted is without variance from the proposed rule.

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 after 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 22, 2010

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 08, Release of Medical Records. The amendment to this regulation removes the wording that specifically addresses physicians and replaces it with licensee. This is due to the Board licensing and regulating professions other than physicians.

Chapter 08 Release of Medical Records

Definitions

- 100 For the purpose of Chapter 08 only, the following terms have the meanings indicated:
1. “Licensee” means any person licensed to practice medicine, osteopathic medicine, podiatric medicine or acupuncture in the state of Mississippi.
 2. “Medical Records” means all records and/or documents relating to the treatment of a patient, including, but not limited to, family histories, medical histories, report of clinical findings and diagnosis, laboratory test results, x-rays, reports of examination and/or evaluation and any hospital admission/discharge records which the licensee may have.
 3. “Patient” means a natural person who receives or should have received health care from a licensed licensee, under a contract, express or implied, whether or not the licensee is compensated for services rendered.
 4. “Legal Representative” means an attorney, guardian, custodian, or in the case of a deceased patient, the executor/administrator of the estate, surviving spouse, heirs and/or devisees.

Medical Records - Property of Licensee/Clinic

- 200 Medical records, as defined herein, are and shall remain the property of the licensee or licensees, in whose clinic or facility said records are maintained, subject, however, to reasonable access to the information contained in said records as set forth herein below.

Transfer of Patient Records to Another Licensee

- 300 A licensee who formerly treated a patient shall not refuse for any reason to make the information contained in his or her medical records of that patient available upon request by the patient, or legal representative of the patient, to another licensee presently treating the patient. The licensee has a right to request a written release from the patient or legal representative of the patient, authorizing the transfer prior to transfer of said documents. Upon receipt of the written release and authorization, the licensee must tender a copy of said documents to the other licensee within a reasonable period of time. Transfer of said documents shall not be withheld because of an unpaid bill for medical services, but the licensee is entitled to reasonable compensation paid in advance for any copy expenses as provided in Section 600.

Release of Patient Records to Patient

- 400 A licensee shall, upon request of the patient, patient's legal representative, or other person holding a written release and authorization (hereinafter, “authorized requesting party”), provide a copy of a patient's medical record to the authorized requesting party; provided, however, where release of psychiatric/psychological records directly to a patient would be deemed harmful to the patient's mental health or well-being, the licensee shall not be obligated to release the records directly to the patient, but shall, upon request, release the

records to the patient's legal representative. The licensee has a right to request a written authorization prior to release of the records. Upon receipt of the written release and authorization, the licensee must tender a copy of the records to the authorized requesting party within a reasonable period of time. Transfer of the records shall not be withheld because of an unpaid bill for medical services, but the licensee is entitled to reasonable compensation paid in advance for any copy expenses as provided in Section 600.

Narrative Summary of Medical Record

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

Duplication and Administrative Fees

600 Licensees have a right to be reimbursed for duplication and other expenses relating to requests for medical records. The copying charge is set by Mississippi Code, Section 11-1-52 as follows: Any medical provider or hospital or nursing home or other medical facility shall charge no more than the following amounts to patients or their representatives for photocopying any patient's records: Twenty Dollars (\$20.00) for pages one (1) through twenty (20); One Dollar (\$1.00) per page for the next eighty (80) pages; Fifty Cents (50¢) per page for all pages thereafter. Ten percent (10%) of the total charge may be added for postage and handling. Fifteen Dollars (\$15.00) may be recovered by the medical provider or hospital or nursing home or other medical facility for retrieving medical records in archives at a location off the premises where the facility/office is located. In addition, the actual costs of reproducing x-rays or other special records may be included. The duplication and administrative fees authorized herein are not intended to include or restrict any fees charged in relation to expert testimony.

601 A licensee shall only charge normal, reasonable and customary charges for a deposition related to a patient that the licensee is treating or has treated.

602 Any medical provider shall charge no more than Twenty-five Dollars (\$25.00) for executing a medical record affidavit, when the affidavit is requested by the patient or the patient's representative.

Exclusion

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

Violation of Regulations

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

**Amended March 16, 1995. Amended July 18, 2002. Amended September 18, 2003.
Amended September 16, 2004. Amended May 17, 2007. Amended January 21, 2010.**

FILED
JAN 22 2010

**MISSISSIPPI
SECRETARY OF STATE**

NOTICE OF PROPOSED RULE ADOPTION

COPY

**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 08 Practice of Telemedicine

Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule: {Insert here}
This is a new proposed rule which expands on the telemedicine law.

This is due to the Board licensing and regulating professions other than physicians.

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.

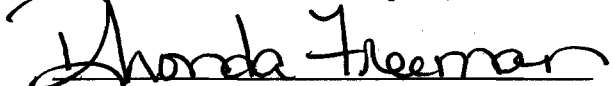
Economic Impact Statement: Check one box below:

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 22, 2010

Proposed Effective Date of Rule: 30 days after 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 22, 2010
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 a new proposed regulation. This regulation expands on the law regarding telemedicine. 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 28 Practice of Telemedicine

Definitions

- 100 For the purpose of Chapter 28 only, the following terms have the meanings indicated:
1. “Telemedicine” is the practice of medicine using electronic communication, information technology or other means between a physician in one location and a patient in another location with or without an intervening health care provider. This definition does not include the practice of medicine through postal or courier services.

Licensure

- 200 The practice of medicine is deemed to occur in the location of the patient. Therefore only physicians holding a valid Mississippi license are allowed to practice telemedicine in Mississippi. However, a valid Mississippi license is not required where the evaluation, treatment and/or medicine given to be rendered by a physician outside of Mississippi is requested by a physician duly licensed to practice medicine in Mississippi, and the physician who has requested such evaluation, treatment and/or medical opinion has already established a doctor/patient relationship with the patient to be evaluated and/or treated.

Informed Consent

- 300 The physician using telemedicine should obtain the patient’s informed consent before providing care via telemedicine technology. In addition to information relative to treatment, the patient should be informed of the risk and benefits of being treated via a telemedicine network including how to receive follow-up care or assistance in the event of an adverse reaction to treatment or if there is a telemedicine equipment failure.

Physician Patient Relationship

- 400 In order to practice telemedicine a valid “physician patient relationship” must be established. The elements of this valid relationship are:
- verify that the person requesting the medical treatment is in fact who they claim to be;
 - conducting an appropriate examination of the patient that meets the applicable standard of care;
 - establishing a diagnosis through the use of accepted medical practices, ie., a patient history, mental status exam, physical exam and appropriate diagnostic and laboratory testing;
 - discussing with the patient the diagnosis, risks and benefits of various treatment options to obtain informed consent;
 - insuring the availability of appropriate follow-up care; and
 - maintaining a complete medical record available to patient and other treating health care providers.

Examination

500 Physicians using telemedicine technologies to provide medical care to patients located in Mississippi must provide an appropriate examination prior to diagnosis and treatment of the patient. However, this exam need not be in person if the technology is sufficient to provide the same information to the physician as if the exam had been performed face to face.

Other exams may be appropriate if a licensed health care provider is on site with the patient and is able to provide various physical findings that the physician needs to complete an adequate assessment. However a simple questionnaire without an appropriate exam is in violation of this policy and may subject the physician to discipline by the Board.

Medical Records

600 The physician treating a patient through a telemedicine network must maintain a complete record of the patient's care. The physician must maintain the record's confidentiality and disclose the record to the patient consistent with state and federal laws. If the patient has a primary treating physician and a telemedicine physician for the same medical condition, then the primary physician's medical record and the telemedicine physician's record constitute one complete patient record.

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF PHYSICIANS LICENSE

OF

SANTANU SOM, D.O.

ORDER OF CONTINUANCE

THIS MATTER came on regularly for hearing on January 21, 2010, before the Mississippi State Board of Medical Licensure, in response to the motion filed by Santanu Som, D.O., (hereinafter "Licensee") through his attorney, Scott J. Pintard, requesting an indefinite continuance, or in the alternative, a general continuance of the hearing set for this date. After consideration of the matter, the Board finds Licensee's request for an indefinite continuance not to be well taken, but finds merit to his need for a general continuance.

THEREFORE, IT IS HEREBY ORDERED, that this matter be continued until the next regularly scheduled meeting of the Board set for March 11, 2010, at 10:00 a.m.

IT IS, FURTHER ORDERED, that Licensee's request for an indefinite continuance is denied.

SO ORDERED, this the 21st day of January, 2010.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**

BY: _____

Don A. Gibson, M.D.
**Don A. Gibson, M.D.
President**

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

HORRELL H. TOWNSEND, III, D.O.

ORDER REMOVING ALL RESTRICTIONS

THIS MATTER came on regularly for consideration on January 21, 2010, before the Mississippi State Board of Medical Licensure, in response to the request of Horrell H. Townsend, III, D.O. (hereinafter "Licensee"), seeking removal of all restrictions on his license to the practice medicine in the State of Mississippi. By virtue of that certain Determination and Order rendered by the Board on June 17, 2004, Licensee was authorized to return to the practice of medicine, subject to certain terms and conditions, one of which was compliance with that certain Monitoring Contract dated May 2, 2004 with the Mississippi Professionals Health Program. Licensee now wishes to be relieved of all restrictions on his license, and has provided assurances to the Board that he has complied with all requirements imposed by the aforementioned Monitoring Contract. The Board, after hearing said request finds Licensee's request to be well taken.

IT IS HEREBY ORDERED, that all restrictions on Licensee's certificate to practice medicine in the state of Mississippi are hereby removed, and 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 Horrell H. Townsend, III, D.O.

ORDERED, this the 21st day of January, 2010.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**

BY: *Don A. Gibson, M.D.*
DON A. GIBSON, M.D.
PRESIDENT

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

KIM ELLIOT NAGEL, M.D.

ORDER REMOVING ALL RESTRICTIONS

THIS MATTER came on regularly for consideration on January 21, 2010, before the Mississippi State Board of Medical Licensure, in response to the request of Kim Elliot Nagel, 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 December 26, 2007; Licensee was authorized to practice medicine in the state of Mississippi, subject to certain terms and conditions. Applicant's practice in the state was limited to the Mississippi State Penitentiary, Parchman, Mississippi or other correctional facility under the jurisdiction of the Mississippi Department of Corrections, and Licensee was to practice in a supervised structured environment limited to treatment of male patients only. Due to previous sexual misconduct, Licensee was also required to maintain advocacy with the Mississippi Professionals Health Program (MPHP) and comply with all terms, conditions and recommendations imposed by the MPHP and Acumen Assessments, Inc, Lawrence, Kansas. Licensee now wishes to be relieved of all restrictions on his license. During the hearing, George Wilkerson, M.D., Medical Director of the MPHP, provided verification of Licensee's compliance with the aforementioned terms, conditions and recommendations. The Board, after hearing all testimony and considering all evidence, finds Licensee's request to be well taken.

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

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

ORDERED, this the 21st day of January, 2010.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**

BY:



**DON A. GIBSON, M.D.
PRESIDENT**

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

MARK LAVERN BURTMAN, M.D.

ORDER PARTIALLY REMOVING RESTRICTIONS

THIS MATTER came on regularly for consideration on January 21, 2010, before the Mississippi State Board of Medical Licensure, in response to the request of Mark Lavern Burtman, 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 September 18, 2008, Licensee's certificate to practice medicine in the state of Mississippi was suspended with the suspension stayed after expiration of three (3) months, subject to certain terms and conditions, including prohibition against the use of any medication for the treatment of obesity, weight loss or weight control; practice monitoring; continuing medical education, and other requirements. Licensee now wishes to be relieved of all restrictions on his license. The Board, after hearing all testimony and considering all evidence, finds Licensee's request to be well taken, but believes that it is in the best interest of Licensee and the public that he be given an opportunity to demonstrate the proper use of non-controlled medications for the treatment of obesity, weight loss or weight control prior to any further consideration of the return of controlled substance privileges.

THEREFORE, IT IS HEREBY ORDERED that with exception of the retained restrictions as provided below, those restrictions imposed on Licensee's certificate to practice medicine in the state of Mississippi by virtue of the September 18, 2008, Consent Order, are hereby removed.

IT IS FURTHER ORDERED that for a period of at least one (1) year from the date of this order, Licensee shall not be permitted to prescribe, dispense or administer any controlled substances for the treatment of obesity, weight loss or weight control. Further, Licensee shall not be permitted to conduct or market himself as a weight loss clinic, and any use of medications for the treatment of obesity, weight loss or weight control, shall be in conjunction with his obstetrical/gynecological practice. Licensee shall have the right to again petition the Board for removal of all remaining restrictions at reasonable intervals, but no more often than one petition every twelve (12) months.

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 Mark Lavern Burtman, M.D.

ORDERED, this the 21st day of January, 2010.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**

BY: Don A. Gibson, M.D.
DON A. GIBSON, M.D.
PRESIDENT

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

KENTRELL MARIE LIDDELL, M.D.

SURRENDER OF MEDICAL LICENSE

WHEREAS, KENTRELL MARIE LIDDELL, M.D., hereinafter referred to as "Licensee," is the current holder of Medical License Number 17997, issued March 10, 2003, to practice medicine in the State of Mississippi;

WHEREAS, on December 21, 2009, Licensee pled guilty in the Circuit Court of the First Judicial District of Hinds County, Mississippi, before Circuit Court Judge Malcolm Harrison (Criminal Cause Number: 09-414 CR), charging her with Embezzlement by Public Employee (§97-11-25) (13 Counts);

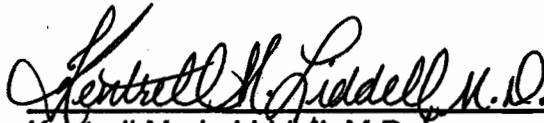
WHEREAS, such conduct, if established in a due process hearing before the Board, would constitute conviction of a felony or misdemeanor involving moral turpitude, a certified copy of the conviction order or judgment rendered by the trial court being prima facie evidence thereof, and unprofessional, dishonorable or unethical conduct likely to harm the public; all in violation of Miss. Code Ann., Subsections (6), and (8)(d) of §73-25-29 and Section §99-19-35, being grounds for which the Mississippi State Board of Medical Licensure may 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 17997) 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 12th day of January, 2010.



Kentrell Marie Liddell, M.D.

ACCEPTED AND APPROVED this the 21st day of January, 2010,
by the Mississippi State Board of Medical Licensure.



President
Mississippi State Board of Medical Licensure

AGREEMENT TO APPEAR INFORMALLY

I, Robert S. Corken^{M.D.}, have accepted an opportunity to appear informally before 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 representatives of the Board, and to give the representatives of the Board an opportunity to ask questions of me. In agreeing to meet informally with Board representatives, I have been advised and understand the following:

- 1. During the meeting, the Board 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 Board representatives 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 possibly avoid a hearing before the Board, I agree that presentation to and consideration by the Board representatives of all facts, matters, and documents pertaining to my case shall not unfairly or illegally prejudice the Board representatives who may be present 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 informal appearance before the Board, I will not object to any of the Board representatives from further participating in subsequent meetings or hearings that may be conducted in relation to this matter.
- 4. By signing my name in the space provided below, I hereby authorize the Board to proceed with the informal appearance, subject to the stipulations and understandings as noted above. I have elected to proceed:

with legal counsel present (name of counsel: _____)

without legal counsel present

EXECUTED, this the 21st day of January, 2010.

Witness: Sherry H. Harris

Robert S. Corken

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

ROBERT S. CORKERN, M.D.

CONSENT ORDER

WHEREAS, ROBERT S. CORKERN, M.D., 107 Eureka Street, Batesville, Mississippi, hereinafter referred to as "Licensee," is the current holder of License No. 12101 for the practice of medicine in the State of Mississippi;

WHEREAS, the investigative staff of the Mississippi State Board of Medical Licensure, hereinafter referred to as "Board," has conducted a comprehensive investigation into the practice of Licensee and has documented evidence indicating that Licensee is in violation of the Rules and Regulations of the Board "Pertaining to Prescribing, Administering and Dispensing of Medication" by administering, dispensing and prescribing narcotic drugs, or any other drug having addiction-forming or addiction-sustaining liability, otherwise than in the course of legitimate medical practice; failure to appropriately maintain patient records and documentation, and unprofessional conduct, including dishonorable 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 Miss. Code Ann. § 73-25-29, and § 73-25-83(a), for which the Board may revoke the medical license of Licensee, suspend it for a time deemed proper by the Board, or take any other action as the Board may deem proper under the circumstances;

WHEREAS, Licensee wishes to avoid a hearing before the Board 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 License's Certificate (No. 12101) to practice medicine in the State of Mississippi, to-wit:

1. Until otherwise order by the Board, Licensee shall not be permitted to order, manufacture, distribute, possess, dispense, administer or prescribe any controlled substances in Schedules II, IIN, III, IIN, IV, and V. After the 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 in Schedules II and IIN.
2. Until otherwise order by the Board, Licensee shall not be permitted to order, manufacture, distribute, possess, dispense, administer or prescribe the medications Stadol and Nubain or their generic equivalents; or the medications Tramadol (Ultram), Carisoprodol (Soma) or Butalbital in any form.
3. If and when Licensee is granted the privilege of prescribing, administering or dispensing controlled substances, 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 a diagnosis and reason for prescribing, administering or dispensing any controlled substance; the name, dose, strength, quantity of the controlled substance and the date the controlled substance was prescribed, dispensed, or administered.
 - b. Whenever issuing a prescription for a controlled substance, Licensee shall, in addition to that set forth in sub-paragraph (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.

Licensee shall Licensee shall thoroughly familiarize himself with the rules and regulations of the Board "Pertaining to Prescribing, administering and Dispensing of Medication" and shall so indicate to the Board in writing.

4. If and when Licensee is granted the privilege of prescribing, administering or dispensing controlled substances, Licensee shall comply with the Board's Rules and Regulations, as well as the Rules and Regulations of the Drug Enforcement Administration (DEA) regarding purchasing, inventory, administering or dispensing of controlled substances. This shall include Licensee immediately preparing and thereafter maintaining a separate, readily retrievable record of all controlled substances in Schedules II, IIN, III, IIIN, IV and V currently in his possession. Further, all controlled substances or other drugs having addiction-forming or addiction-sustaining liability shall be stored in a securely locked, substantially constructed container or area as required under the rules. Additionally, separate purchasing, inventory, administering or dispensing logs shall be maintained for controlled substances in Schedules II IIN, III, IIIN, IV, and V; and controlled substances in Schedules II or IIN shall not be co-mingled with any remaining controlled substances in any other schedule or class.
5. Licensee's practice of medicine shall be subject to periodic surveillance by the Mississippi State Board of Medical Licensure. The Board's Executive Director, any member of the Board, or member(s) of the investigative staff of the Board, shall have the right to perform unannounced patient chart reviews of a representative sample of those patients treated by the Licensee.
6. Within one (1) year of acceptance of this Consent Order, Licensee shall obtain fifty (50) hours of Continuing Medical Education (CME) approved by the American Medical Association as well as the Mississippi State Board of Medical Licensure. The fifty (50) hours of CME credit shall be in addition to the forty (40) hours of Category 1 credits required by Board regulation. See list of courses already approved by the Board attached to this document as Exhibit "A". The additional requirement for fifty (50) hours of CME credit shall be in the area(s) of regulatory issues, record keeping, ethics, prescribing of controlled substances, or any other subject matter or area the Board may feel is appropriate. Following the completion of each course, Licensee shall submit to the Board documentary proof of successful completion. All CME credits received by Licensee by virtue of said course(s) shall be applied toward compliance with the fifty (50) hours of CME requirements during the time of license restrictions.

7. In the event Licensee should leave Mississippi to reside or practice outside the State, Licensee shall, within ten (10) days prior to departing, notify the Board in writing of the dates of departure and return. Periods of residency or practice outside Mississippi will not apply to the reduction of time restrictions enumerated in this Order, or lessen the duration of said restrictions.
8. Licensee shall reimburse the Board for all costs incurred in relation to the pending matter pursuant to Miss. Code Ann. § 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 tender to the Board a certified check or money order on or before forty (40) days from the date the assessment is mailed to Licensee via U.S. Mail at the address shown above.
9. Licensee shall be responsible for all costs associated with or incurred as a result of the Board conducting patient chart reviews pursuant to Paragraph 5 above. Licensee shall be advised of the total assessment by written notification, and shall tender to the Board a certified check or money order on or before forty (40) days from the date the assessment is mailed to Licensee via U.S. Mail at the address shown above.

Licensee understands and expressly acknowledges that this Consent Order shall constitute a public record of the State of Mississippi. Licensee further understands and acknowledges that the Board shall provide a copy of this Order to, among others, the National Practitioners Data Bank and the U.S. Drug Enforcement Administration (DEA), and the Board makes no representation as to actions, if any, which the U.S. Drug Enforcement Administration (DEA) 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. § 73-25-1 et set., to be represented therein by legal counsel of his choice, and to a final decision based on written findings of fact and conclusions of law, ROBERT S. CORKERN, M.D., nonetheless hereby waives his right to notice and 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 21st day of January, 2010.

By: Robert S. Corkern
ROBERT S. CORKERN, M.D.

EXECUTED this the 25th day of January, 2010.

Mississippi State Board of Medical Licensure

By:

Don A. Gibson, M.D.

DON A GIBSON, M.D.
PRESIDENT

MARCH 2010

**MINUTES
EXECUTIVE COMMITTEE MEETING
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
MARCH 10, 2010**

MEMBERS PRESENT:

Don A. Gibson, M.D., Richland, President
William S. Mayo, D.O., Oxford, Vice President
S. Randall Easterling, M.D., Vicksburg, 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
Leslie Ross, Investigations Supervisor
Frances Scott, Special Projects Officer, Investigative Division
Mickey Boyette, Investigator, Investigative Division
Jonathan Dalton, Investigator, Investigative Division
Neely Carlton, General Counsel for Mississippi State Medical Association
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 10, 2010, at 2:00 p.m. in the Executive Conference Room of the Office of the Board located at 1867 Crane Ridge Drive, Jackson, Mississippi.

GARY CARR, M.D., MEDICAL DIRECTOR AND CEO, PROFESSIONALS HEALTH NETWORK

Dr. Craig advised that at the January 20, 2010, Executive Committee meeting that he was asked to invite Dr. Carr to the March meeting to discuss issues concerning the newsletter from Professionals Health Network (PHN), and the fact that PHN is not a recognized organization under the Mississippi *Disabled Physician Law* as a referral entity. Dr. Craig advised that he had received a letter from Dr. Carr's attorney, William McLeod, advising that he and Dr. Carr have previous commitments and were unable to attend, and also requesting that he specify the elements deemed "misleading" in PHN's newsletter.

EXECUTIVE COMMITTEE MINUTES

MARCH 10, 2010

Page 2

After a brief discussion, motion was made by Dr. Mayo, seconded by Dr. Easterling and carried unanimously that Dr. Craig respond to Mr. McLeod's letter and again invite both of them to the May 19, 2010, Executive Committee meeting to further discuss some of the Board's concerns.

After further discussion, it was the unanimous decision of the Executive Committee to send a notice to all physicians to remind them of the *Disabled Physician Law, Miss. Code Ann.*, Sections 73-25-51 through 73-25-67, that explains the requirements for the Board. A copy of the notice that was sent out from the Mississippi State Department of Health's Health Alert Network is attached hereto and incorporated by reference.

UPDATE ON JOHN HERZOG, M.D., CLEVELAND, MISSISSIPPI MEDICAL LICENSE NUMBER 09800

For informational purposes only, Dr. Craig advised that Dr. Herzog has contacted the Center of Personalized Education for Physicians (CPEP) and scheduled his evaluation for April. Dr. Craig advised that Dr. Herzog will be evaluated in clinical judgement since CPEP has no way to evaluate interventional medicine.

LETTER FROM THE UNIVERSITY OF MISSISSIPPI MEDICAL CENTER (UMC)

Dr. Craig handed out copies of a letter that he had received from Dr. Patrick Smith concerning dual degrees and the request for a modification in the Board's seven (7) year policy to complete the USMLE.

After a brief discussion, motion was made by Dr. Mayo, seconded by Dr. Easterling, and carried unanimously that Dr. Craig advise UMC that the Board strongly believes that seven (7) years is adequate time to complete the process even for individuals seeking a dual degree.

FITTEN LAMAR MCMILLIN, JR., M.D., VICKSBURG, MISSISSIPPI MEDICAL LICENSE NUMBER 06941, CONSENT AGREEMENT

Dr. Craig advised that the Board had offered Dr. McMillin the opportunity to sign a non-reportable Consent Order if he agreed to the conditions therein. Dr. Craig briefly discussed the Consent Order and the purpose of how it was to be handled.

After a brief discussion, motion was made by Dr. Mayo, seconded by Dr. Easterling, and carried unanimously to accept the Consent Order.

EXECUTIVE COMMITTEE MINUTES

MARCH 10, 2010

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**DISCUSS LETTER FROM BRUCE E. PORTER, M.D., ST. GEORGE, UT,
MISSISSIPPI MEDICAL LICENSE NUMBER 18599**

For informational purposes only, Dr. Craig advised that the Board had finally received a letter containing Dr. Porter's signature advising that he does not intend on returning to Mississippi to practice and does not intend on applying for a Mississippi license at anytime in the future.

A copy of Dr. Porter's letter is attached hereto and incorporated by reference.

**DISCUSS RAY HARRON, M.D., BRIDGEPORT, WV, MISSISSIPPI MEDICAL
LICENSE NUMBER 14223**

For informational purposes only, Dr. Craig advised that the Board has not heard anything from Dr. Harron or his attorney, Ed Blackman, since they filed the appeal with the Chancery Court of Hinds County after the hearing in September 2009.

Stan Ingram, Complaint Counsel for the Board, briefly discussed the appeal process. Mr. Ingram advised that Mr. Blackman is a member of the House of Representatives and as long as the legislature is in session that he would advise the Board to wait and pursue the matter once the legislative session has ended. At that time, Mr. Ingram advised that the Board has the option to file a petition for Dr. Harron to either pursue the matter or have the case dismissed.

**UPDATE ON GREGG SPAULDING HUNTER, M.D., HOUMA, LA, MISSISSIPPI
MEDICAL LICENSE NUMBER 14990**

For informational purposes only, Dr. Craig advised that Dr. Hunter had responded to his letter dated January 25, 2010, giving him sixty (60) days to pay the Board for investigative costs. Dr. Craig advised that Dr. Hunter had contacted the Board advising that he started a new job on Monday, March 8, 2010, and would be submitting payment on March 26th when he receives his first paycheck.

**PERSONAL APPEARANCE BY EDGAR EARL BOBO, M.D., BRANDON,
MISSISSIPPI MEDICAL LICENSE NUMBER 04013**

Dr. Craig advised that the Board had referred Dr. Bobo to the Examining Committee. The Examining Committee advised that Dr. Bobo needs to go for an evaluation and had given him information to make the appointment. Dr. Craig advised that Dr. Bobo wanted to address the Board to request that he be allowed to go for an evaluation locally instead of going to Kansas or Illinois due to his fear of flying and the inclement weather conditions we have been through this year.

EXECUTIVE COMMITTEE MINUTES

MARCH 10, 2010

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Dr. Bobo joined the meeting and was represented by legal counsel, James Bobo, his son. Dr. Bobo had executed a written agreement for this informal meeting, a copy of which is attached hereto and incorporated by reference.

Dr. Bobo and his son addressed the Executive Committee, and Mr. Bobo gave a brief history of his father's career and covered several events that had recently occurred. Mr. Bobo stated that his father was willing to go for an evaluation but requested that the Board assist them in locating someone locally or the surrounding states that could perform the evaluation.

After a brief discussion, and covering the options of a Special Volunteer License, the Board advised Dr. Bobo that they would discuss his request and get back with him. Dr. Bobo and his son thanked the Board for allowing them to appear.

Following further discussion, motion was made by Dr. Mayo, seconded by Dr. Easterling, and carried unanimously that Dr. Craig contact Dr. Wilkerson and Kay Gatewood, with Mississippi Professionals Health Program, for advice and assistance in this matter.

PERSONAL APPEARANCE BY RAMAKRISHNA SETTIPALLI, M.D., GULFPORT, APPLICANT

Dr. Craig advised that the matter concerning Dr. Settipalli being granted a waiver was discussed at the January 20, 2010, Executive Committee meeting. Dr. Craig advised that Dr. Settipalli had requested a personal appearance after being advised that his explanation for exceeding the seven (7) year rule did not meet the criteria for extraordinary circumstances and that he was not eligible for a permanent license.

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

Dr. Settipalli thanked the Executive Committee for the opportunity to explain his circumstances and answer any questions. Dr. Settipalli discussed his residency training and research activities that he was performing in his native country of India and how this had taken longer. After answering questions from the Executive Committee, Dr. Settipalli exited the meeting.

After a brief discussion, motion was made by Dr. Easterling and seconded by Dr. Gibson to accept Dr. Settipalli's explanation for the additional time to complete his USMLE and grant him a Mississippi license. Dr. Mayo voted against granting the waiver.

EXECUTIVE COMMITTEE MINUTES

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**PERSONAL APPEARANCE BY HO YOUNG KIM, M.D., BUFFALO GROVE, IL,
APPLICANT**

Dr. Craig advised that Dr. Kim is an applicant that has been invited to appear before the Executive Committee to discuss issues pertaining to his application and the number of liability cases that he had previously been involved.

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

Dr. Craig thanked Dr. Kim for appearing before the Executive Committee and introduced the members. Dr. Craig asked Dr. Kim to explain the previous issues from other Boards and the lawsuits where he was involved. After answering questions, the Executive Committee advised Dr. Kim that they would consider his request and respond.

After a brief discussion, motion was made by Dr. Easterling, seconded by Dr. Mayo, and carried unanimously to grant Dr. Kim a license if he would agree to sign a non-reportable non-disciplinary agreement stating that he would not perform any abortions in the state of Mississippi.

**DISCUSS JOHN THOMAS SAXON, M.D., JACKSON, TEMPORARY MEDICAL
LICENSE**

Dr. Craig briefly covered information concerning a resident in internal medicine at UMC that currently has a temporary license. Dr. Craig advised that Dr. Saxon has been rude to staff and has not provided the Board with notification concerning the status of his DUI Refusal or the outcome of his case.

After a brief discussion, motion was made by Dr. Easterling, seconded by Dr. Mayo, and carried unanimously to refer Dr. Saxon to the Examining Committee for an evaluation and request that they notify the Board immediately of any issues. Once the Board has received the evaluation, a determination will be made regarding the status of Dr. Saxon's license.

**PERSONAL APPEARANCE BY KAREN SHACKELFORD, M.D., JACKSON,
REQUEST FOR REINSTATEMENT**

Dr. Craig briefly reviewed Dr. Shackelford's history, her application for reinstatement, and contract agreement problems with Mississippi Professionals Health Program (MPHP).

EXECUTIVE COMMITTEE MINUTES

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Dr. Shackelford joined the meeting and was accompanied by her husband, Stephen Shackelford. Dr. Shackelford had executed a written agreement for this informal meeting, a copy of which is attached hereto and incorporated by reference.

After introductions, Dr. Shackelford was allowed to make a statement concerning her request for reinstatement of her Mississippi medical license as well as to respond to questions from the Executive Committee. The Executive Committee advised Dr. Shackelford that they would discuss her request and advise the outcome.

After a brief discussion, motion was made by Dr. Mayo, seconded by Dr. Easterling, and carried unanimously that Dr. Shackelford needs to be under contract with MPHP, quarterly reports sent from treating professionals, and that she take and pass the SPEX, as well as complete all the gaps in her application.

DISCUSS LIANG LIU, M.D., RYE BROOK, NY, APPLICANT

Dr. Craig briefly discussed the USMLE test results for Dr. Liu and stated that he had some concerns over his test scores and the number of attempts. After a brief discussion of our rules and regulations, motion was made by Dr. Mayo, seconded by Dr. Gibson, and carried unanimously to grant Dr. Liu an unrestricted medical license.

SELECTION OF NOMINATING COMMITTEE

Dr. Gibson advised that Philip Merideth, M.D., J.D., had agreed to chair the nominating committee and that William Jones, M.D., and Dewitt Crawford, M.D. had agreed to serve as members. Dr. Gibson advised that they will make their nominations at the May board meeting.

PERSONAL APPEARANCE BY MAHMOUD ALI, M.D., SANTA CLARA, CA, MISSISSIPPI MEDICAL LICENSE NUMBER 19091

Dr. Craig advised that Dr. Ali had signed a Consent Order with the Board in June 2007, mirroring action taken by the California Board. Dr. Craig advised that California had removed all the restrictions on Dr. Ali's license when their impaired physician program dissolved. Dr. Craig stated that Dr. Ali was here to request that Mississippi also lift the restrictions on his license.

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

EXECUTIVE COMMITTEE MINUTES

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Dr. Ali addressed the Executive Committee and then responded to several questions. The Committee advised Dr. Ali that they would discuss his request and advise him of their decision.

After a brief discussion, motion was made by Dr. Easterling, seconded by Dr. Mayo, and carried unanimously to request that Dr. Ali submit to an evaluation by MPHP. After the Board receives MPHP's report, they will then make a determination as to lifting the restrictions on his Mississippi medical license.

SUBPOENA REQUESTS

Dr. Craig presented those facts necessary to make a determination of reasonable cause pursuant to Miss. Code Ann §73-25-27 for the Investigative Division to issue two (2) subpoenas. The following subpoenas were requested:

1. Montfort Jones Memorial Hospital - for records of Zvi Marom, M.D.
2. Baptist Memorial Hospital - Desota - records of Kiandokht Partovi, M.D.

After a brief discussion, motion was made by Dr. Mayo, seconded by Dr. Easterling, and carried unanimously that reasonable cause did exist and granted approval for the Investigative Division to issue the subpoenas to obtain and copy records necessary for the above noted investigations.

REVIEW OF MARCH 11, 2010, BOARD AGENDA

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

ADJOURNMENT

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



Don A. Gibson, M.D.
President

Minutes taken and transcribed
by Sherry Harris
Staff Officer
March 10, 2010



MISSISSIPPI STATE DEPARTMENT OF HEALTH

This is an official

MS Health Alert Network (HAN) Message

MESSAGE ID: MSHAN-20100317-1500-MSG (Message)

RECIPIENTS: Physicians (Mississippi Licensed Physicians) – Statewide

DATE: March 17, 2010

SUBJECT: *Mississippi State Board of Medical Licensure - DISABLED PHYSICIANS*

Attached Memorandum from the Mississippi State Board of Medical Licensure

MEMORANDUM

To: Mississippi Licensed Physicians

From: Mississippi State Board of Medical Licensure

H. Vann Craig, M.D., Executive Director

Date: March 17, 2010

Subject: DISABLED PHYSICIANS

*This message is from the Mississippi State Board of Medical Licensure (601.987.3079),
in agreement with the Mississippi State Board of Medical Licensure and the Mississippi State Department of Health.*

***This message is being distributed to you via the Mississippi State Department of Health
- Health Alert Network ([✉ HANhelp@msdh.state.ms.us](mailto:HANhelp@msdh.state.ms.us)) ☎ 601-576-7400* — Page 1 of 1**

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MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
H. Vann Craig, M.D., Executive Director

MEMORANDUM

To: Mississippi Licensed Physicians
From: H. Vann Craig, M.D., Executive Director
Date: March 17, 2010
Subject: **DISABLED PHYSICIANS**

The *Disabled Physician Law*, Miss. Code Ann., Sections 73-25-51 through 73-25-67, requires the Mississippi State Board of Medical Licensure (Board) to refer any physician who appears to be unable to practice medicine with reasonable skill and safety due to chemical dependency, mental illness or physical infirmity to a committee of the Mississippi State Medical Association (MSMA) for examination. If the physician is not a member of MSMA, the Board determines the composition of the examining committee.

It has recently come to the attention of the Board that an organization other than MSMA is suggesting that it is able to do what **by law** is currently in place for the referral and evaluation of physicians, physician assistants and podiatrists in the State of Mississippi. This organization has not been approved by the Board and cannot take the place of the MSMA or Board designated examining committee, unless granted that authority by the Board.

Should you have any questions pertaining to this matter, please contact the Mississippi State Board of Medical Licensure at 601-987-3079.

Paul J. Delcambre, Jr.
(228) 214-0409

(888) 506-8672 (direct fax)
pdelcambre@ba1ch.com

BRUCE E. PORTER, M. D.
P.O. BOX 372
DAYTON, OH 45401

CONFIDENTIAL

February 19, 2010

Dr. H. Vann Craig
Executive Director
Mississippi Board of Medical Licensure
Cypress Ridge Building
1867 Crane Ridge Drive, Suite 200
Jackson, MS 39216

Re: Bruce B. Porter, M.D.

Dear Dr. Craig:

Please accept this as my personal response to your letter of September 28, 2008. I continue to deny the allegations that lead to the issuance of the letter. With that understanding, I would represent to the Board the following.

I am no longer practicing medicine as a physician in the state of Mississippi. I chose not to renew my license approximately two years ago. I am now licensed by the State of Utah, and working for the United States Department of Defense. I closed my practice in Mississippi when I left Tupelo approximately two years ago. I have sold my residence in Mississippi. I do not intend to return to Mississippi nor do I intend to apply for a Mississippi license at anytime in the future.

I ask that the Board accept this letter and its representations, and finally resolve this matter with receipt of this document.

Very truly yours,


Bruce E. Porter, M.D.

BEP.

AGREEMENT TO APPEAR INFORMALLY BEFORE EXECUTIVE COMMITTEE

I, **EDGAR EARL BOBO, 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 my pending application for a Mississippi medical license and resolution of the investigation raising possible grounds for denial. 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: James Bobo)
 without legal counsel present

EXECUTED, this the 10th day of March, 2010.

Edgar Earl Bobo
EDGAR EARL BOBO, M.D.

Witness: Sherry Harris

AGREEMENT TO APPEAR INFORMALLY BEFORE EXECUTIVE COMMITTEE

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

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

with legal counsel present (name of counsel: _____)

without legal counsel present

EXECUTED, this the 10th day of MARCH, 2010.

Witness: _____

Sherry Harris

SPIVE

AGREEMENT TO APPEAR INFORMALLY BEFORE EXECUTIVE COMMITTEE

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

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

with legal counsel present (name of counsel: _____)

without legal counsel present

EXECUTED, this the 10th day of March, 2010.

Ho Young Kim

Witness:

Sherry Harris

AGREEMENT TO APPEAR INFORMALLY BEFORE EXECUTIVE COMMITTEE

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

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

with legal counsel present (name of counsel: _____)

without legal counsel present

EXECUTED, this the 10th day of March 2010.

Karen Shackelford

Witness:

Sherry Harris

AGREEMENT TO APPEAR INFORMALLY BEFORE EXECUTIVE COMMITTEE

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

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

___ with legal counsel present (name of counsel: _____)

without legal counsel present

EXECUTED, this the 10th day of March, 2010.

Witness:

Sherry Harris

Ali

BOARD

MEETING

MINUTES

**BOARD MINUTES
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
MARCH 11, 2010**

The regularly scheduled meeting of the Mississippi State Board of Medical Licensure was held on Thursday, March 11, 2010, 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
S. Randall Easterling, M.D., Vicksburg, 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
William B. Jones, M.D., Greenwood
Philip T. Merideth, M.D., J.D., Jackson

Also present:

H. Vann Craig, M.D., Director
Stan T. Ingram, Complaint Counsel for the Board
Thomas Washington, Bureau Director, Investigative Division
Frances Scott, Special Projects Officer, Investigative Division
Sherry Harris, Staff Officer
Cecil R. Burnham, Jackson, Consumer Health Committee
Charles Thomas, Yazoo City, Consumer Health Committee

Not present:

Ellen O'Neal, Assistant Attorney General
Rhonda Freeman, Bureau Director, Licensure Division
Wesley Breland, Hattiesburg, Consumer Health Committee

The meeting was called to order at 9:15 a.m. by Dr. Gibson, President. The invocation was given by Dr. Easterling and the pledge was led by Dr. Mayo. Dr. Gibson extended a welcome to all visitors present at the meeting.

Dr. Gibson opened the floor for public comments but there were none.

BOARD MINUTES

March 11, 2010

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APPROVAL OF CERTIFICATION OF MISSISSIPPI LICENSES TO OTHER ENTITIES FOR THE PERIOD JANUARY 01, 2010, THROUGH FEBRUARY 28, 2010

One hundred eighty-three (183) licenses were certified to other entities for the period January 01, 2010, through February 28, 2010. Motion was made by Dr. Easterling, seconded by Dr. D. Crawford, and carried unanimously to approve these certifications.

APPROVAL OF LICENSES ISSUED FOR THE PERIOD JANUARY 01, 2010, THROUGH FEBRUARY 28, 2010

Forty (40) licenses were issued for the period January 01, 2010, through February 28, 2010. Motion was made by Dr. Mayo, seconded by Dr. Easterling, and carried unanimously to approve these licenses.

REVIEW OF MINUTES OF THE EXECUTIVE COMMITTEE MEETING DATED JANUARY 20, 2010, AND MINUTES OF THE BOARD MEETING DATED JANUARY 21, 2010

Minutes of the Executive Committee meeting dated January 20, 2010, and Minutes of the Board Meeting dated January 21, 2010, were reviewed. Dr. Mayo moved for approval of the minutes as submitted. Dr. Easterling seconded the motion, and it carried unanimously.

REPORT OF MARCH 10, 2010, EXECUTIVE COMMITTEE MEETING

Dr. Craig briefly discussed issues that were approved by the Executive Committee on March 10, 2010. Information pertaining to the Executive Committee's decisions are included in the Executive Committee Minutes dated March 10, 2010.

All issues/actions approved and reported by the Executive Committee on Wednesday, March 10, 2010, were ratified unanimously by the Full Board.

REPORTS FROM COMMITTEES

Consumer Health - Mr. Breland (Chair), Mr. Burnham, Mr. Thomas

In Mr. Breland's absence, Mr. Burnham advised there was no new information to report.

BOARD MINUTES

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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. Jones

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 his committee has proposed changes that will be discussed later in the meeting.

**HEARING IN THE CASE OF ZVI MAROM, M.D., HAZLEHURST, MISSISSIPPI
MEDICAL LICENSE NUMBER 18789**

Mr. Ingram, Complaint Counsel for the Board, addressed the Board and advised that neither Dr. Marom nor his attorney were present today. Mr. Ingram advised Dr. Marom had been issued a Summons and Affidavit to appear but had requested a Motion for Continuance.

After a brief discussion, motion was made by Dr. Easterling, seconded by Dr. Mayo, and carried unanimously to grant Dr. Marom a continuance until the May Board meeting.

A copy of the Order of Continuance is attached hereto and incorporated by reference.

BOARD MINUTES

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**HEARING IN THE CASE OF SANTANU SOM, D.O., NATCHEZ, MISSISSIPPI
MEDICAL LICENSE NUMBER 20149**

Neither Dr. Som nor his attorney were present at the meeting today. Dr. Craig advised that Dr. Som had signed an Agreed Order of Continuance that states that he has agreed not to perform any intra-abdominal surgical procedures until completion of a fellowship program in bariatric surgery in Iowa and provides the Board with documented successful proof of completion. After Dr. Som's fellowship, he will appear before the Board in a hearing.

After a brief discussion, motion was made by Dr. D. Crawford, seconded by Dr. Easterling, and carried unanimously to accept the Agreed Order of Continuance.

A copy of the Agreed Order of Continuance is attached hereto and incorporated by reference.

**HEARING IN THE CASE OF STEVEN WAYNE EASLEY, M.D., MADISON,
MISSISSIPPI MEDICAL LICENSE NUMBER 15463**

Mr. Ingram advised that neither Dr. Easley nor his attorney were present today. Mr. Ingram advised that Dr. Easley had executed a Consent Order that indefinitely suspends his license to practice medicine in the State of Mississippi and he was presenting it for the Board's approval.

Motion was made by Dr. Mayo, seconded by Dr. D. Crawford to accept the Consent Order. A brief discussion concerning the Consent Order followed before the vote. Mr. Ingram explained the Consent Order, what prompted the Order, and the requirements placed on Dr. Easley. Following the discussion, the Board voted to unanimously accept the Consent Order.

A copy of the Consent Order is attached hereto and incorporated by reference.

**PROPOSED AMENDMENT CHANGES TO REGULATION CONCERNING MEDICAL
EXPERT ACTIVITIES BY PHYSICIANS**

Dr. Craig discussed the reason for the proposed changes to the regulation. Motion was made by Dr. Merideth, seconded by Dr. Mayo, and carried unanimously of the Board's intent to adopt the proposed amendment changes to the regulation concerning medical expert activities by physicians. 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.

BOARD MINUTES

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WITHDRAW FINAL ADOPTION OF REGULATION CONCERNING THE PRACTICE OF TELEMEDICINE (CHAPTER 28) AND DISCUSS PROPOSED AMENDMENT CHANGES TO REGULATION CONCERNING THE PRACTICE OF TELEMEDICINE (CHAPTER 19)

Dr. Aycock advised that his Committee was proposing to withdraw final adoption of Chapter 28 concerning the practice of telemedicine and proposing amendment changes to Chapter 19 which would roll both chapters into one (1) regulation covering telemergency and telemedicine. Dr. Aycock covered the proposed changes. Also advised that he and Dr. Craig had visited Dr. Galli at UMC and was presented an informative presentation of their program. Dr. Aycock advised that Dr. Galli has recently been asked to chair a new program concerning telehealth. Dr. Aycock then covered a comment letter that was received from Katherine Bryant, Advocacy Director, with the American Heart Association.

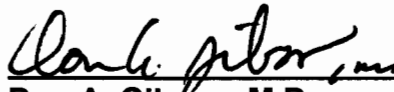
After further discussion, Dr. Merideth proposed a change in #3 of the definition to change collaborative/supervisory to collaborative/consultative. Following discussion, motion was made by Dr. Aycock, seconded by Dr. Merideth, and carried unanimously of the Board's intent to adopt the proposed amendment with the change. A copy of the proposed amendment with the change 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.

LIFE LINE SCREENING 2009 UPDATE

For informational purposes only, Dr. Craig briefly covered the letter from Life Line Screening. Dr. Craig advised that the report complies with our rules and regulations, as well as our agreement with Life Line.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:50 a.m., with the next meeting scheduled for Thursday, May 20, 2010.



Don A. Gibson, M.D.

President

Minutes taken and transcribed
by Sherry Harris
Staff Officer
March 11, 2010

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

ZVI MAROM, M.D.

ORDER OF CONTINUANCE

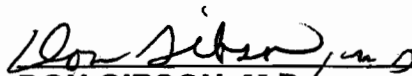
THIS MATTER came on regularly for hearing on March 10, 2010, before the Mississippi State Board of Medical Licensure, in response to a request for continuance of the hearing set for this date made by Zvi Marom, M.D. (hereinafter "Licensee"), through his attorney, Dennis L. Horn. After consideration of the matter, the Board finds Licensee's motion to be well taken.

IT IS, THEREFORE, ORDERED, that this matter is continued until 10:00 a.m., May 20, 2010.

SO ORDERED, this the 11th day of March, 2010.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**

BY:



**DON GIBSON, M.D.
PRESIDENT**

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

OF

SANTANU SOM, D.O.

AGREED ORDER OF CONTINUANCE

WHEREAS, there is now pending before the Mississippi State Board of Medical Licensure, hereinafter referred to as "Board", a Summons and Affidavit charging Licensee with violation of the Mississippi Medical Practice Act as the result of being disciplined by a licensed hospital or the medical staff of a licensed hospital; the hearing on said charges scheduled for March 11, 2010 at 10:00 am.

WHEREAS, Licensee has requested that the Board continue the hearing so as to permit him an opportunity to complete additional surgical training with the ultimate goal of resolving the matter now pending;

WHEREAS, as consideration for such continuance, the Board has requested and Licensee has agreed not to perform any intra-abdominal surgical procedures until completion of the training and/or entry of a final Board order resolving the matter now pending.

NOW THEREFORE, the Board with consent of Licensee as signified by his joinder herein, hereby continues the scheduled hearing subject to the following terms and conditions, to-wit:

1. Licensee shall successfully complete a fellowship program in bariatric surgery at the University of Iowa Hospitals and Clinics, Department of Surgery, Iowa City, Iowa, which shall provide the Board with documented proof of successful completion of said fellowship program.

2. Upon receipt by the Board of either (i) documented proof of successful completion of the aforementioned fellowship program, or (ii) proof that Licensee has failed to complete said program, a hearing date will be scheduled for the first available regular meeting of the Board.
3. Pending the hearing and/or entry by the Board of a final order in this matter, Licensee shall not perform any intra-abdominal surgical procedures.
4. Licensee shall reimburse the Board for all costs incurred in relation to the pending matter, said amount not to exceed \$10,000. Licensee shall be advised of the total assessment by separate written notification, and shall tender to the Board a certified check or money order on or before forty (40) days from the date the assessment is mailed to Licensee via U.S. Mail at the address shown above.

Licensee understands and expressly acknowledges that this Order shall constitute a public record of the State of Mississippi. Licensee further understands and acknowledges that the Board shall provide a copy of this Order to, among others, the National Practitioners Data Bank.

EXECUTED, this the 11th day of March, 2010.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**

BY: 
DON A GIBSON, M.D., PRESIDENT

AGREED, this the 28th day of February, 2010.


SANTANU SOM, D.O.

APPROVED:

A handwritten signature in cursive script, appearing to read "Scott J. Pintard", written over a horizontal line.

Scott J. Pintard, Attorney for
Santanu Som, D.O.

A handwritten signature in cursive script, appearing to read "Stan T. Ingram", written over a horizontal line.

Stan T. Ingram, Attorney for Mississippi
State Board of Medical Licensure

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE OF

STEVEN WAYNE EASLEY, M.D.

CONSENT ORDER

WHEREAS, Steven Wayne Easley, M.D., hereinafter referred to as "Licensee," is the current holder of License No. 15463 for the practice of medicine in the State of Mississippi;

WHEREAS, on or about February 26, 2002, to May 16, 2002, Licensee was treated and discharged from Pine Grove, Next Step with advocacy from the Mississippi Professionals Health Program hereinafter referred to as "MPHP". Licensee executed a confidential monitoring contract with MPHP dated June 10, 2002;

WHEREAS, reports have been received from the MPHP documenting four (4) relapses and four (4) modified contracts dated October 2005, July 2006, November 2006, and January 2009;

WHEREAS, on or about December 18, 2009, the Mississippi State Board of Medical Licensure, hereinafter referred to as the "Board", received a letter from MPHP reporting another relapse by Licensee as a result of a positive urine screen for on Propoxyphene obtained on December 8, 2009;

WHEREAS, such conduct is in violation of the Mississippi Medical Practice Act for which the Board may revoke the medical license of Licensee, suspend it for a time

deemed proper by the Board or take any other action as the Board may deem proper under the circumstances;

WHEREAS, pursuant to authority set forth in Miss. Code Ann., Section 73-25-59, of the Mississippi Disabled Physicians Law, Licensee wishes to avoid a hearing before the Board and, in lieu thereof, does consent to certain restrictions on his license to practice medicine in the State of Mississippi;

NOW, THEREFORE, the Board with consent of Licensee as signified by his joinder herein, does hereby indefinitely suspend Licensee's Certificate No.15463 to practice medicine in the State of Mississippi.

Licensee shall have the right, but not the obligation, to petition the Board for reinstatement of licensure at such time as he submitted to the Board documented proof that he has (1) successfully completed all recommended treatment for chemical dependency by MPHP; (2) secured and maintained at all times affiliation with the MPHP; (3) fully complied with all requirements and/or recommendations of the MPHP or his treatment center, regardless of the fact that he is not actively practicing medicine, and (4) maintained the required continuing medical education as stipulated by licensure regulations.

At such time as the Board elects to authorize Licensee to return to the practice of medicine, the Board reserves the right, at its sole and absolute discretion, to utilize any information or reports from the treatment facility, the MPHP, or any other source to impose any other restrictions it deems necessary to protect the public.

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

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

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

Recognizing his right to notice of charges specified against him, to have such charges adjudicated pursuant to Miss. Code Ann. Section 73-25-27 (1972), to be represented therein by legal counsel of his choice, and to a final decision rendered upon written findings of fact and conclusions of law, Steven Wayne Easley, 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 5th day of March, 2010.

Katherine S. Vance
Witness

Steven Wayne Easley, M.D.
Steven Wayne Easley, M.D.

ACCEPTED AND APPROVED, This the 11th day of March, 2010, by the Mississippi State Board Of Medical Licensure.

Don Gibson, M.D.
Don Gibson, M.D.,
President

NOTICE OF PROPOSED RULE ADOPTION

STATE OF MISSISSIPPI
Mississippi State Board of Medical Licensure

COPY
FILED
MAR 12 2010

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 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 22 Medical Expert Activities by
Physicians }

Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule: {Insert here}

This is an amendment to a current rule which deletes the current repealer and removes the language which requires new applicants
and current licensees to verify on applications that they have read the regulation.

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.

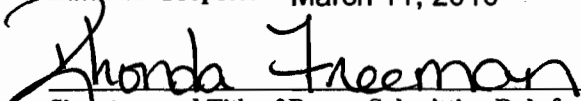
Economic Impact Statement: Check one box below:

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 11, 2010

Proposed Effective Date of Rule: 30 days after 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: March 12, 2010
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 remove the current repealer and eliminate the requirement of new applicants and current licensees from verifying on applications that they have read the rule.

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 22 Medical Expert Activities by Physicians

Authority and Purpose

- 100 The Mississippi State Board of Medical Licensure (hereinafter referred to as “the Board”) adopts these regulations governing medical expert activities by physicians pursuant to Chapters 25 and 43 of Title 73 of the Mississippi Code. The Mississippi State Board of Medical Licensure finds it necessary to fulfill its statutory responsibilities by adopting these regulations in order to protect the public, to set professional standards, to enforce the provisions of law regarding the performance of medical expert activities by physicians, and to further other legitimate government purposes in the public interest.

Scope

- 200 These regulations apply to any physician who performs medical expert activities regarding any person, facility, or entity located within the state of Mississippi, or regarding an event alleged to have occurred within the state of Mississippi, regardless of the location, type, or status of the physician’s medical expert activity, the presence or absence of the physician expert’s license to practice medicine in Mississippi, the physician expert’s presence or absence of a physician-patient relationship in Mississippi, the type of medical expert activity performed (e.g., oral testimony or a written statement), or the setting in which the medical expert activity is performed (e.g., a state or federal court or administrative agency).
- 201 No part of these regulations is intended to conflict with or supercede the authority of any state or federal court or administrative agency to designate a physician as a medical expert in a legal matter then pending before the court or agency. The Board does not intend for these regulations to conflict with or supercede the description or regulation of the function of a physician serving as an “expert” as that term is used in the Mississippi Rules of Evidence or in other provisions of law, rules, regulations, or decisions of any court or administrative agency.
- 202 No part of these regulations is intended to conflict with or supercede the authority of a person other than a physician to serve as an expert in a legal matter. Furthermore, the Board does not intend for these regulations to have any effect on physicians’ participation in legal proceedings in a capacity other than as a medical expert.

Definition of Medical Expert Activities

- 300 For the purposes of these regulations only, the Mississippi State Board of Medical Licensure has determined that the definition of the term “medical expert activities” includes, but is not limited to, the use of medical knowledge and professional judgment by a physician to:
1. Suggest or recommend to a person any medical advice or other agency (whether material or not material).
 2. Perform medical services (including, but not limited to, a physical or mental examination of a person).

3. Conduct a review of a person's medical record.
4. Serve as a medical consultant.
5. Render a medical opinion concerning the diagnosis or treatment of a person.
6. Produce a written medical expert opinion report, affidavit, or declaration.
7. Give testimony under oath as a medical expert at a state or federal hearing, deposition, trial, administrative agency proceeding, alternative dispute resolution proceeding, or any other legal proceeding, regarding the medical issues in a legal matter or claim for injuries that is then pending in a court or administrative agency, or which may be filed or asserted whether or not such claim ever results in a pending legal matter and which involves a person, facility, or entity located within the state of Mississippi, or an event alleged to have occurred within the state of Mississippi.

Licensure and Qualification Requirements

- 400 Except as otherwise provided by law, rule or regulation of this state, any medical expert activity by a physician regarding a legal matter pending in a state or federal court or administrative agency in Mississippi must be performed by a physician who holds a current unrestricted medical license in Mississippi, another state or foreign jurisdiction, and who has the qualifications to serve as a medical expert on the issue(s) in question by virtue of knowledge, skill, experience, training, or education. This rule does not supercede the policies and regulations of the Board in regards to unreferral diagnostic screening tests.
- 401 The practice of any physician not licensed in Mississippi that meets the licensure and qualification requirements stated in Section 400 of this regulation shall be deemed automatically by the Board to be authorized to include the performance of medical expert activities as an otherwise lawful practice, without any need for licensure verification or further requirement for licensure. In accordance with the provisions of law in Mississippi, any physician not licensed in Mississippi whose practice is deemed automatically by the Board to be authorized to include the performance of medical expert activities as an otherwise lawful practice shall be subject to regulation by the Board regarding the physician's performance of such medical expert activities in the state of Mississippi.

Professional Standards

- 500 Any physician who performs medical expert activities must:
1. Comply with these regulations and all applicable provisions of Mississippi law (e.g., statutes, court rules and decisions, and other administrative agency rules and regulations) with regard to the performance of medical expert activities.
 2. Comply with medical ethics principles, including, but not limited to, ethics principles established by the American Medical Association and relevant medical specialty associations.
 3. Be honest in all professional interactions involving his or her medical expert activities.
 4. Not accept payment for medical expert activities that is contingent upon the result or content of any medical diagnosis, opinion, advice, services, report, or review; or that

is contingent upon the outcome of any case, claim, or legal matter then pending or contemplated.

5. Not make or use any false, fraudulent, or forged statement or document.

Professional Accountability for Violation of Regulations

- 600 Any physician who performs medical expert activities, whether or not licensed to practice medicine in Mississippi, may be disciplined or otherwise held professionally accountable by the Board, upon a finding by the Board that the physician is unqualified as evidenced by behavior including, but not limited to, incompetent professional practice, unprofessional conduct, or any other dishonorable or unethical conduct likely to deceive, defraud, or harm the public.
- 601 Any violation of Section 500 of this regulation as enumerated above shall constitute unprofessional conduct in violation of Mississippi Code, Section 73-25-29(8).

Complaint Procedure, Investigation, Due Process, and Actions Available to the Board

- 700 Any person who has reason to believe that any physician may have failed to comply with any part of these regulations in the performance of medical expert activities may make a complaint to the Mississippi State Board of Medical Licensure on a complaint form that is furnished by the Board.
- 701 Any physician, whether or not licensed to practice medicine in Mississippi, who performs medical expert activities in the context of a legal matter regarding any person, facility, entity, or event located within the state of Mississippi may be subject to an investigation by the Mississippi State Board of Medical Licensure upon the receipt of a complaint regarding the physician's conduct or practice. Any such physician shall be afforded the due process procedures of the law and Board regulations. The Board, in its sole discretion, may refer the complaint to the medical licensure authority of another state, or to any other appropriate legal authority.
- 702 Any physician may request, or may be summoned by the Board, to appear before the Board at a hearing to consider the physician's compliance with these regulations. Any physician's failure to appear when summoned to a hearing may be deemed by the Board to be a waiver of the physician's due process opportunity to appear before the Board and may result in a finding by the Board that the physician is out of compliance with these regulations *in absentia*.
- 703 In disciplining a physician licensed to practice medicine in Mississippi or otherwise holding any physician professionally accountable pursuant to these regulations and to the statutes, rulings, and other regulations and provisions of Mississippi law, the actions that the Mississippi State Board of Medical Licensure may take include, but are not limited to, one or more of the following:
1. Denying, suspending, restricting, or revoking a Mississippi license to practice

medicine.

2. Administering a public or private reprimand to a Mississippi licensed physician.
3. Assessing up to \$10,000 of the reasonable investigation costs expended by the Board in investigating a Mississippi licensed physician.
4. Moving for an injunction in Chancery Court to prohibit any physician's further performance of medical expert activities.
5. Petitioning the Chancery Court to cite any noncompliant physician for contempt of court.
6. Referring the matter to another medical licensure authority or other legal authority for action regarding any physician.
7. Any other action regarding any physician that the Board may deem proper under the circumstances (e.g., issuing an advisory letter of concern; issuing a notice of warning; issuing a cease and desist notice; or adopting a resolution of disapproval of any physician's medical expert activities).

704 Any physician who is found by the Mississippi State Board of Medical Licensure to have failed to comply with any part of these regulations may be reported by the Board to any person or organization appropriate under the circumstances in order to enforce or comply with the law or to protect the public, including, but not limited to, the National Practitioner Data Bank, the U.S. Department of Health and Human Services Office of the Inspector General, the Centers for Medicare and Medicaid Services, the Federation of State Medical Boards, the medical licensure authority or state medical association in any state in which the physician is licensed to practice medicine, the American Board of Medical Specialties and any of its member specialty boards, the Mississippi Attorney General or District Attorney, the United States Attorney, any state or federal court or administrative agency, any national or state professional organization or medical specialty association, and any other appropriate person, government agency, healthcare entity, or legal authority.

Compliance Policy and Exemptions

800 In assuring compliance with these regulations, the duty shall be on the physician, not on the party who engaged the physician to perform medical expert activities and not on any other person or entity, to ensure that his or her medical expert activities comply with these regulations. Any physician who claims to be exempt from these regulations shall have the burden of proving to the Board that the exemption is valid.

Notice of Regulation of Medical Expert Activities by Physicians

~~900 At the time of an initial licensure application, and at the time of each application for a renewal of a license to practice medicine in Mississippi, all physicians shall acknowledge that they have had an opportunity to read these regulations by accessing the website of the Mississippi State Board of Medical Licensure (at internet address www.msbnl.state.ms.us) or by requesting a printed copy of these regulations from the Board.~~

Effective Date and Repealer

~~1000—These regulations shall become effective on July 1, 2006. Unless re-adopted by the Board, these regulations shall be repealed automatically and shall cease to be effective on June 30, 2010.~~

References

- 2000 Mississippi Code, Sections 11-1-61, 73-25-27, 73-25-29, 73-25-30, 73-25-33, 73-25-34, 73-25-83, 73-25-87, 73-43-11, 73-51-1, et al
- 2001 Mississippi Rule of Evidence 702
- 2002 “Rules, Regulations, Laws, and Policies of the Mississippi State Board of Medical Licensure.” Published by the Mississippi State Board of Medical Licensure and available at Internet address www.msbml.state.ms.us
- 2003 Hall v. Hilbun, 466 So. 2d 856 (Miss. 1985)
- 2004 Code of Medical Ethics, Current Opinions with Annotations. Published by the Council on Ethical and Judicial Affairs of the American Medical Association, 2006-07 edition.
- 2005 “The Role of Licensing Boards in the Evaluation and Discipline of the Expert Witness.” Authored by William J. Wenner, Jr., M.D., J.D. Published in the Journal of Medical Licensure and Discipline, Vol. 90, No. 3, 2004, Pp. 15-20 (collecting cases and scholarly publications)
- 2006 Findings of Fact adopted by the Mississippi State Board of Medical Licensure on May 18, 2006.¹
-

¹COMMENT: Based on information presented to the Board at a public hearing on this matter on March 9, 2006, and on May 18, 2006, and on research and analysis of information obtained by Board members and its staff and attorneys, and also on comments received from numerous sources, including the Board's Consumer Health Committee, leaders of the medical and legal professions, former judges, officials from the Federation of State Medical Boards, and members of the public, the Mississippi State Board of Medical Licensure makes the following Findings of Fact:

1. A physician's professional practice, conducted pursuant to the privilege of possessing a medical license, historically has been subject to regulation by other members of the medical profession, by methods such as peer review, performance evaluation, quality assurance monitoring, and other methods of regulation. However, there is a problem in Mississippi with the lack of regulation of medical expert activities by physicians. This lack of regulation causes the performance of medical expert activities to be vulnerable to fraud, abuse, dishonesty, deception, incompetence, and other forms of unprofessional, dishonorable, and unethical conduct by physician experts, all of which are harmful to the public.
2. A physician's performance of medical expert activities involves a lawful part of a physician's practice that is historically an area of state concern and that the Board has the statutory authority and duty to regulate in order to protect the public.
3. A physician's medical expert activities involve practices that are likely to affect the health, safety, rights, remedies, and general welfare of persons in Mississippi.
4. In keeping with the public policy and provisions of law in Mississippi, the performance of medical expert activities, regardless of the physician expert's location or state(s) of medical licensure, is a lawful practice that requires a qualified physician, and is therefore subject to regulation by, and professional accountability to, the Mississippi State Board of Medical Licensure.
5. Due to its physician membership and statutory authority, the Mississippi State Board of Medical Licensure is uniquely able to establish and enforce licensure requirements, qualification requirements, and Professional Standards related to the performance of medical expert activities by physicians, especially with regard to ethical conduct and competent practice.
6. Regardless of a physician's state(s) of medical licensure, a physician who performs medical expert activities in a legal matter has an ethical duty to practice according to the standards of medical professionalism, to perform all medical expert activities in an honest and competent manner, and to strive to report to appropriate entities any physician who is deficient in character or competence or who engages in fraud or deception.
7. In keeping with the public policy and provisions of law in Mississippi and principles of medical ethics, it is unprofessional, dishonorable, and unethical for a physician to willfully state an opinion or a material fact as a medical expert in the context of a legal matter that the physician knows or should know is false, or that a reasonable person could objectively conclude was a misrepresentation or other distortion of the truth, or was intended by the physician to mislead or deceive a judge, juror, lawyer, litigant, other expert, hearing officer, administrative body, investigator, legal authority, or any finder of fact.
8. In adopting these regulations, the Mississippi State Board of Medical Licensure has attempted to tailor these regulations as closely as possible to the current provisions of Mississippi law, in order to regulate medical expert activities for the legitimate government purpose of protecting the public and to further other legitimate government purposes in the public interest.
9. In adopting these regulations, the Mississippi State Board of Medical Licensure states that its intent is only to regulate the conduct and practice of physicians who perform medical expert activities in Mississippi. The Board does not intend for these regulations to be subverted or misused by participants in legal proceedings as a procedural weapon to intimidate or harass a physician expert or to delay or otherwise complicate the administration of justice.

The Mississippi State Board of Medical Licensure shall provide a copy of these regulations, with these Comments appended, to the Mississippi Supreme Court, the Mississippi Court of Appeals, the respective conferences of the Mississippi Circuit, Chancery, and County Judges, the Administrative Office of the Courts, the Mississippi Attorney General, the United States District Courts and United States attorneys located in Mississippi, the Mississippi Workers' Compensation Commission, the Mississippi Bar Association, the Mississippi State Medical Association, the Federation of State Medical Boards, and any other appropriate person or organization at the discretion of the Board's Executive Director, with the request that those organizations give notice to their members or other interested parties of the existence of these regulations.

COPY

NOTICE OF WITHDRAWAL OF PROPOSED RULE

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

FILED
MAR 12 2010
MISSISSIPPI
SECRETARY OF STATE

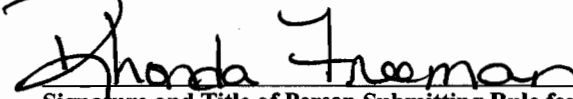
Date Rule Proposed: January 22, 2010

Name of proposed rule being withdrawn: Chapter 28 Practice of Telemedicine
Chapter 28 Practice of Telemedicine --- Proposed new rule filed January 22, 2010.

Explanation of the purpose of the proposed rule and the reason(s) for proposing the rule: {Insert here}
This new rule would expand the telemedicine law.

Reason(s) for withdrawing the proposed rule: {Insert here}
Upon review of current rules, the Board has determined that the regulation should be incorporated into existing regulation.

Date Proposed Rule Withdrawn: March 11, 2010


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

Chapter 28 Practice of Telemedicine

Definitions

100 For the purpose of Chapter 28 only, the following terms have the meanings indicated:

- ~~1. "Telemedicine" is the practice of medicine using electronic communication, information technology or other means between a physician in one location and a patient in another location with or without an intervening health care provider. This definition does not include the practice of medicine through postal or courier services.~~

Licensure

200 ~~The practice of medicine is deemed to occur in the location of the patient. Therefore only physicians holding a valid Mississippi license are allowed to practice telemedicine in Mississippi. However, a valid Mississippi license is not required where the evaluation, treatment and/or medicine given to be rendered by a physician outside of Mississippi is requested by a physician duly licensed to practice medicine in Mississippi, and the physician who has requested such evaluation, treatment and/or medical opinion has already established a doctor/patient relationship with the patient to be evaluated and/or treated.~~

Informed Consent

300 ~~The physician using telemedicine should obtain the patient's informed consent before providing care via telemedicine technology. In addition to information relative to treatment, the patient should be informed of the risk and benefits of being treated via a telemedicine network including how to receive follow-up care or assistance in the event of an adverse reaction to treatment or if there is a telemedicine equipment failure.~~

Physician Patient Relationship

400 ~~In order to practice telemedicine a valid "physician patient relationship" must be established. The elements of this valid relationship are:~~

- ~~• verify that the person requesting the medical treatment is in fact who they claim to be;~~
- ~~• conducting an appropriate examination of the patient that meets the applicable standard of care;~~
- ~~• establishing a diagnosis through the use of accepted medical practices, i.e., a patient history, mental status exam, physical exam and appropriate diagnostic and laboratory testing;~~
- ~~• discussing with the patient the diagnosis, risks and benefits of various treatment options to obtain informed consent;~~
- ~~• insuring the availability of appropriate follow-up care; and~~
- ~~• maintaining a complete medical record available to patient and other treating health care providers.~~

Examination

500 — Physicians using telemedicine technologies to provide medical care to patients located in Mississippi must provide an appropriate examination prior to diagnosis and treatment of the patient. However, this exam need not be in person if the technology is sufficient to provide the same information to the physician as if the exam had been performed face to face.

Other exams may be appropriate if a licensed health care provider is on site with the patient and is able to provide various physical findings that the physician needs to complete an adequate assessment. However a simple questionnaire without an appropriate exam is in violation of this policy and may subject the physician to discipline by the Board.

Medical Records

600 — The physician treating a patient through a telemedicine network must maintain a complete record of the patient's care. The physician must maintain the record's confidentiality and disclose the record to the patient consistent with state and federal laws. If the patient has a primary treating physician and a telemedicine physician for the same medical condition, then the primary physician's medical record and the telemedicine physician's record constitute one complete patient record.

NOTICE OF PROPOSED RULE ADOPTION

STATE OF MISSISSIPPI
Mississippi State Board of Medical Licensure

COPY FILED
MAR 12 2010

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 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 19 Emergency Telemedicine

Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule: {Insert here}

This is an amendment to a current rule which expands the telemedicine law. The Board is incorporating the practice of telemedicine with the practice of emergency telemedicine.

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.

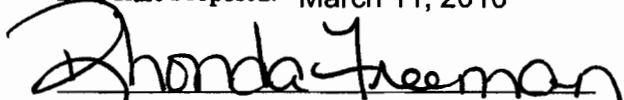
Economic Impact Statement: Check one box below:

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 11, 2010

Proposed Effective Date of Rule: 30 days after 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: March 12, 2010
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 expands the current telemedicine law. The Board is incorporating the practice of telemedicine with the practice of telemergency.

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 19 Emergency Practice of Telemedicine

Scope

~~100~~ These regulations apply to only those individuals licensed to practice medicine or osteopathic medicine in the state of Mississippi and who are performing duties as employees of the University of Mississippi Medical Center. This regulation does not authorize any communication across state lines.

Definitions

~~2~~100 For the purpose of Chapter 19 only, the following terms have the meanings indicated:

1. “Physician” means any person licensed to practice medicine or osteopathic medicine in the state of Mississippi.
2. “Telemedicine” is the ~~diagnosis or treatment of human injury, illness and diseases using interactive audio, video or data communications by electronic or other means.~~ practice of medicine using electronic communication, information technology or other means between a physician in one location and a patient in another location with or without an intervening health care provider. This definition does not include the practice of medicine through postal or courier services.
3. “Teleemergency medicine” is a unique combination of telemedicine and the collaborative/~~supervisory~~consultative role of a physician board certified in emergency medicine, and an appropriate skilled health professional (nurse practitioner or physician assistant).

Licensure

~~200~~ The practice of medicine is deemed to occur in the location of the patient. Therefore only physicians holding a valid Mississippi license are allowed to practice telemedicine in Mississippi. However, a valid Mississippi license is not required where the evaluation, treatment and/or medicine given to be rendered by a physician outside of Mississippi is requested by a physician duly licensed to practice medicine in Mississippi, and the physician who has requested such evaluation, treatment and/or medical opinion has already established a doctor/patient relationship with the patient to be evaluated and/or treated.

Informed Consent

~~300~~ The physician using telemedicine should obtain the patient’s informed consent before providing care via telemedicine technology. In addition to information relative to treatment, the patient should be informed of the risk and benefits of being treated via a telemedicine network including how to receive follow-up care or assistance in the event of an adverse reaction to treatment or if there is a telemedicine equipment failure.

Physician Patient Relationship

~~400~~ In order to practice telemedicine a valid “physician patient relationship” must be established.

The elements of this valid relationship are:

- verify that the person requesting the medical treatment is in fact who they claim to be;
- conducting an appropriate examination of the patient that meets the applicable standard of care;
- establishing a diagnosis through the use of accepted medical practices, ie., a patient history, mental status exam, physical exam and appropriate diagnostic and laboratory testing;
- discussing with the patient the diagnosis, risks and benefits of various treatment options to obtain informed consent;
- insuring the availability of appropriate follow-up care; and
- maintaining a complete medical record available to patient and other treating health care providers.

Examination

500 Physicians using telemedicine technologies to provide medical care to patients located in Mississippi must provide an appropriate examination prior to diagnosis and treatment of the patient. However, this exam need not be in person if the technology is sufficient to provide the same information to the physician as if the exam had been performed face to face.

Other exams may be appropriate if a licensed health care provider is on site with the patient and is able to provide various physical findings that the physician needs to complete an adequate assessment. However a simple questionnaire without an appropriate exam is in violation of this policy and may subject the physician to discipline by the Board.

Medical Records

600 The physician treating a patient through a telemedicine network must maintain a complete record of the patient's care. The physician must maintain the record's confidentiality and disclose the record to the patient consistent with state and federal laws. If the patient has a primary treating physician and a telemedicine physician for the same medical condition, then the primary physician's medical record and the telemedicine physician's record constitute one complete patient record.

Board Review

~~300 The same requirements as outlined in Chapter 09 shall apply.~~

Collaborative/Supervising/Consultative Physician Limited

~~4700 No physician practicing teleemergency medicine shall be authorized to function in a collaborative/supervisory/consultative role as outlined in Chapter 09 unless his or her practice location is a Level One Hospital Trauma Center that is able to provide continuous twenty-four hour coverage and has an existing air ambulance system in place. Coverage will be~~

authorized only for those emergency departments of licensed hospitals who have an average daily census of thirty (30) or fewer acute care/medical surgical occupied beds as defined by their Medicare Cost Report.

Reporting Requirements

5800 ~~Quarterly~~Annual reports detailing quality assurance activities, adverse or sentinel events shall be submitted for review to the Mississippi State Board of Medical Licensure by all institutions and/or hospitals operating telemergency programs. ~~The Board of Nursing requires, in addition to these regulations, submission of quarterly reports to the Board of Nursing and reserves the right to re-evaluate and change reporting requirements, if need be.~~

Effective Date of Regulation

600 ~~The above rules and regulations pertaining to telemergency medicine shall become effective October 18, 2002.~~

Amended October 15, 2003. Amended November 4, 2004. Amended January 30, 2006.

MAY 2010

**MINUTES
EXECUTIVE COMMITTEE MEETING
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
MAY 19, 2010**

MEMBERS PRESENT:

Don A. Gibson, M.D., Richland, President
William S. Mayo, D.O., Oxford, Vice President
S. Randall Easterling, M.D., Vicksburg, 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
Leslie Ross, Investigations Supervisor
Frances Scott, Special Projects Officer, Investigative Division
Mickey Boyette, Investigator, Investigative Division
Jonathan Dalton, Investigator, Investigative Division
Ruby Litton, RN, Compliance Nurse
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, May 19, 2010, at 1:00 p.m. in the Executive Conference Room of the Office of the Board located at 1867 Crane Ridge Drive, Jackson, Mississippi.

PERSONAL APPEARANCE BY GARY CARR, M.D., PROFESSIONALS HEALTH NETWORK

Dr. Craig advised that Dr. Carr had been invited to address the Executive Committee to answer some concerns the Board has relative to the newsletter distributed by Professionals Health Network (PHN), and other issues of concern.

Dr. Carr joined the meeting and was represented by legal counsel, Bill McLeod. Dr. Carr had executed a written agreement for this informal meeting, a copy of which is attached hereto and incorporated by reference.

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Dr. Craig advised that the Board had some concerns with statements in their newsletter that could be misleading to physicians when in Mississippi there is only one (1) statutorily recognized physician health program and that is the Mississippi Professionals Health Program (MPHP). After a brief discussion, Dr. Craig asked Dr. Carr if he would be willing to address this in the next newsletter. Dr. Carr advised that he would discuss this request with the PHN Editorial Committee and if they approved that the matter would be addressed again.

After further discussion and several questions from the Executive Committee members, Dr. Craig thanked Dr. Carr for coming and addressing the Board's concerns.

REQUEST FROM MAHMOUD ALI, M.D., SANTA CLARA, CA., MISSISSIPPI MEDICAL NUMBER 19091, TO REMOVE ALL RESTRICTIONS FROM MISSISSIPPI MEDICAL LICENSE

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

Dr. Craig briefly discussed Dr. Ali's Consent Order with the Board and the fact that California had terminated their Consent Order with Dr. Ali when their impaired physician program dissolved. Dr. Craig advised that this matter was discussed at the March 10, 2010, Executive Committee meeting, where the decision was to request that Dr. Ali submit to an evaluation by MPHP. Dr. Craig advised that the evaluation was conducted and discussed a letter from George Wilkerson, M.D., Interim Medical Director with MPHP, recommending termination of Dr. Ali's probation with the Board.

Motion was made by Dr. Mayo, seconded by Dr. Gibson, and carried unanimously to remove all restrictions from Dr. Ali's Mississippi medical license. A copy of the Order Removing all Restrictions is attached hereto and incorporated by reference.

REQUEST FROM CHARLES EVERETT SWANSON, II, D.O., CORINTH, TEMPORARY LICENSE NUMBER T-2279, CONCERNING INVESTIGATIVE COSTS

Dr. Craig briefly discussed a letter from Dr. Swanson requesting to be allowed time payments to pay the Board for costs incurred during his licensure process.

After a brief discussion concerning the accounting problems this would cause as well as setting a precedence for future requests, motion was made by Dr. Easterling, seconded by Dr. Mayo, and carried unanimously to advise Dr. Swanson that he has 30 days from the date of the written request to pay the Board in full or be subject to additional disciplinary action by the Board.

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REQUEST FROM KHARI OMOLARA, M.D., CHIEF OF MEDICAL STAFF AT JEFFERSON COUNTY HOSPITAL

Dr. Craig advised that he had received a phone call and a follow-up letter from Dr. Omolara concerning Dr. Santanu Som. Dr. Craig advised that Dr. Som's matter was discussed at the March 11, 2010, Board meeting and briefly covered the specifics. Dr. Craig stated that Dr. Omolara had stated that Dr. Som had opened a family practice in Fayette and was requesting hospital privileges at Jefferson County Hospital.

After a brief discussion, Stan Ingram, Complaint Counsel for the Board, advised that he would contact Scott Pintard, attorney for Dr. Som, to see what Dr. Som's intentions were concerning his Agreed Order of Continuance and his plans to attend the University of Iowa for a fellowship in Laparoscopic Bariatric Surgery and advise the Board.

PERSONAL APPEARANCE BY JOHN THOMAS SAXON, M.D., JACKSON, TEMPORARY LICENSE

Dr. Craig advised that Dr. Saxon had been invited to appear before the Executive Committee to address his failure to communicate with the Board concerning a DUI refusal arrest.

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

Dr. Saxon addressed the Executive Committee and answered several questions from the Executive Committee members. The Executive Committee thanked Dr. Saxon for appearing and advised him that they would discuss the matter and advise him of the outcome.

After a brief discussion, motion was made by Dr. Easterling, seconded by Dr. Mayo, and carried unanimously, to issue Dr. Saxon a Letter of Concern citing his poor judgement and requesting that he visit with the Examining Committee semiannually for the next two (2) years for reinforcement, and that he should report to them any infraction of the law he incurs during this time.

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

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

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Dr. Craig advised that Dr. Cruz and Dr. Ongkingco are two (2) psychiatrists that have been working for some time at the East Mississippi State Hospital in Meridian, MS. Dr. Craig advised that both physicians appeared at the May 14, 2008, Executive Committee requesting an extension of their limited institutional licenses. Dr. Craig covered the Board's rules and regulations and advised that they were both over the five (5) year period, but that at the May 14, 2008, meeting they were advised that they were to request an extension on an annual basis and their licenses were renewed for the 2009-2010 period without such a request.

Dr. Cruz and Dr. Ongkingco joined the meeting but were not represented by legal counsel. Both physicians had executed a written agreement for this informal meeting, copies of which are attached.

Charles Carlisle, Director of East Mississippi State Hospital, and Dr. Grace Kelly, Clinical Director of East Mississippi State Hospital were with Dr. Cruz and Dr. Ongkingco stating that they failed to request the meeting requesting the extensions and that they would not let it happen again. They also stated how important the two (2) physicians were to their program and the number of patients they were treating.

Motion was made by Dr. Easterling, seconded by Dr. Mayo, and carried unanimously to grant an extension of their limited institutional licenses for another year.

After a brief discussion concerning the Board's rules and regulations, the Executive Committee requested that Mr. Ingram research and advise the Executive Committee on granting extensions and how long this should be allowed.

PERSONAL APPEARANCE BY THOMAS EDWARD STURDAVANT, M.D., GULFPORT, MISSISSIPPI MEDICAL LICENSE NUMBER 16798

Dr. Craig advised that Dr. Sturdavant had been requested to appear before the Executive Committee to discuss his prescribing of controlled substances and his record keeping and control of Phentermine.

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

Dr. Sturdavant addressed the Executive Committee advising how his weight loss clinic worked and what he had been doing. After responding to several questions from the Executive Committee, Dr. Sturdavant advised that he is no longer keeping any controlled substances in his office and that he now writes prescriptions for

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Phentermine. Dr. Sturdavant was reminded of the Board's rules and regulations pertaining to prescribing, administering, and dispensing of medication as well as making him aware of problems when using drugs off label.

DISCUSS STATE OF INDIANA'S VERIFICATION PROCESS

Dr. Craig advised that Kristen Kelley, Board Director, of Indiana made a presentation at the Administrators in Medicine meeting in Chicago a few weeks ago and briefly discussed their electronic verification. Dr. Craig discussed how this process is not primary source verification and how security is a problem.

After a brief discussion, motion was made by Dr. Mayo, seconded by Dr. Easterling, and carried unanimously that the Board accept primary source verification only, and that the Board will not accept Indiana's verifications unless they come directly from the Indiana Board.

PERSONAL APPEARANCE BY EDWIN EGGER, SR., M.D., GREENVILLE, MISSISSIPPI MEDICAL LICENSE NUMBER 06402

Dr. Craig briefly covered why Dr. Egger had been invited to appear before the Executive Committee and advised that George Wilkerson, M.D., Interim Medical Director, of MPHP, and Wessie Sims, of MPHP, were here since MPHP severed their contract with Dr. Egger due to monitoring issues.

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

Dr. Egger addressed the Executive Committee and discussed the problems he has had finding a pain management physician, the problems he has had with MPHP over the years, and how he was here to request that the Board monitor him for the remainder of his medical career.

After further discussion, motion was made by Dr. Easterling, seconded by Dr. Mayo, and carried unanimously to refer Dr. Egger back to MPHP for another contract and to advise Dr. Egger that any infraction will cause his license to be immediately revoked, and that he will be requested to appear before the Full Board in a hearing to address the situation.

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REQUEST FROM TOSHA HAMNER MARQUARDT, PA-C, TO OPEN A SATELLITE CLINIC

Dr. Craig advised that he had received a letter from PA Hamner-Marquardt. Dr. Craig advised that she has been working for Total Pain Care in Meridian, Ms., for approximately six (6) years and that she was requesting a modification to her protocol to allow her to work in a free standing clinic.

After a brief discussion, the Executive Committee unanimously agreed that this was outside the concept of a PA's practice and to deny the request.

Following further discussion, motion was made by Dr. Easterling, seconded by Dr. Mayo, and carried unanimously that the Board look into all mid-level relationships.

RESPONSE RECEIVED FROM RIVER REGION HEALTH SYSTEM

For informational purposes, Dr. Craig briefly discussed a letter dated March 15, 2010, from River Region Health System advising that a software upgrade on February 2, 2010, corrected the language in their discharge paperwork to read, "Your emergency care provider was...". This should correct the problem of nurse practitioners being referred to as a physician on their discharge paperwork.

DISCUSS LETTER RECEIVED FROM MICHAEL L. O'DELL, M.D., PRESIDENT OF THE MISSISSIPPI ACADEMY OF FAMILY PHYSICIANS

For informational purposes, Dr. Craig discussed the letter received from Dr. O'Dell, President of the Mississippi Academy of Family Physicians concerning misleading and improper advertising by nurse practitioners.

After a brief discussion, the Executive Committee unanimously agreed that the Board needs a regulation concerning advertising in the Yellow Pages.

LETTER FROM MISSISSIPPI PROFESSIONALS HEALTH PROGRAM

For informational purposes, Dr. Craig briefly discussed a letter from George Wilkerson, M.D., Interim Medical Director of MPHP, concerning the 2010 budget.

MARK STRONG, M.D., OXFORD, MISSISSIPPI MEDICAL LICENSE NUMBER 18009

For informational purposes, Dr. Craig advised that Dr. Strong had been referred to MPHP for boundary and prescribing issues and was given six (6) months to complete certain educational courses. Dr. Craig advised that Dr. Strong attended a prescribing

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course at Vanderbilt this year, but still has not provided documentation of attending a boundary course.

After a brief discussion, motion was made by Dr. Mayo, seconded by Dr. Easterling, and carried unanimously to advise Dr. Strong that he needs to provide the Board documentation of attendance at a boundary course or appear at the July Executive Committee meeting to explain why he has failed to do so.

EMAIL AND LETTER FROM ARENT FOX CONCERNING REQUIREMENTS FOR STORING, DISTRIBUTING, AND ADMINISTERING VACCINES

For informational purposes, Dr. Craig advised that he had talked with Ms. Joanne Hawana on the telephone and also covered an email and letter that she had sent concerning standing orders from a physician.

After a brief discussion, the Executive Committee unanimously agreed that Dr. Craig should advise Ms. Hawana that there is no valid physician/patient relationship involved; therefore, there can not be any delegation by the physician to anyone to administer vaccines, and allowing this would constitute the practice of medicine without a license.

SUBPOENA REQUEST

Dr. Craig presented those facts necessary to make a determination of reasonable cause pursuant to Miss. Code Ann §73-25-27 for the Investigative Division to issue a subpoena to St. Dominic Hospital for the patient records of Linda Singletary Davis.

After a brief discussion, motion was made by Dr. Mayo, seconded by Dr. Easterling, and carried unanimously that reasonable cause did exist and granted approval for the Investigative Division to issue the subpoena to obtain and copy records necessary for the above noted investigation.

KIANDOKHT PARTOVI, M.D., HERNANDO, MISSISSIPPI MEDICAL LICENSE 18636

Dr. Craig advised that the Board had received information that Dr. Partovi had lost hospital privileges in Memphis due to inadequate care of a patient.

After further discussion, the Executive Committee unanimously agreed that Dr. Craig should pursue the matter for additional information.

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RODERICK LYNN MATTICKS, M.D., APPLICANT

Dr. Craig advised that Dr. Matticks is an applicant that is wanting to obtain a Mississippi medical license and to move to Mississippi to work in a correctional institution.

After further discussion, the Executive Committee unanimously agreed that Dr. Matticks be issued a Mississippi medical license if he would agree to sign a reportable Consent Order that limits him to practicing medicine in a correctional institution and to further advise him that any violation of the Order would result in his license immediately becoming null and void.

**DISCUSS RESPONSE RECEIVED CONCERNING RECOMMENDATIONS
REGARDING COLLABORATIVE PRACTICE AGREEMENTS BETWEEN MID-LEVEL
PROVIDERS**

**DISCUSS CODE OF CONDUCT FOR SUPERVISOR OF NURSE PRACTITIONERS
AND PHYSICIAN ASSISTANTS**

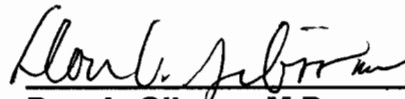
Dr. Craig briefly discussed the above handouts with the Executive Committee. The need was expressed that Dr. Craig, Ruby Litton, and several Board members need to work on a proposed regulation that would provide specific guidelines for the Board concerning mid-level relationships.

REVIEW OF MAY 20, 2010, BOARD AGENDA

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

ADJOURNMENT

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



Don A. Gibson, M.D.
President

Minutes taken and transcribed
by Sherry Harris
Staff Officer
May 19, 2010

AGREEMENT TO APPEAR INFORMALLY BEFORE EXECUTIVE COMMITTEE

I, Gary Carr, M.D., have ^{been} 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: Bill McLeod)

without legal counsel present

EXECUTED, this the 19th day of May, 2010.

GMC

Witness:

Sherry Harris

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIANS'S LICENSE

OF

MAHMOUD I ALI, M.D.

ORDER REMOVING ALL RESTRICTIONS

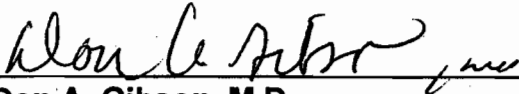
THIS MATTER came on regularly for consideration on May 19th, before the Executive Committee of the Mississippi State Board of Medical Licensure, in response to the request of Mahmoud I. Ali, M.D., (hereinafter "Licensee"), seeking removal of all restrictions imposed on his Mississippi medical license by virtue of that certain Consent Order dated July 11, 2007. 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 is hereby granted. Licensee now holds an unrestricted license to practice medicine in the State of Mississippi.

IT IS FURTHER ORDERED, that pursuant to MS Code Annotated Sections §73-25-27 and §73-25-32 (1972), a copy of this Order shall be sent by registered mail or personally served upon Mahmoud I. Ali, M.D.

ORDERED, this the 19th of May, 2010.

Mississippi State Board of Medical Licensure



Don A. Gibson, M.D.
President

AGREEMENT TO APPEAR INFORMALLY BEFORE EXECUTIVE COMMITTEE

I, John Thomas Saxon, 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:

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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 19 day of May, 2010.



Witness: Sherry Harris

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 19th day of May, 2010.

Ruben S. Cruz

Witness, Sherry Davis

AGREEMENT TO APPEAR INFORMALLY BEFORE EXECUTIVE COMMITTEE

I, Pacifico D. 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 19th day of May, 2010.

Pacifico Ongkingco Jr. MD

Witness: Sherry Hain

AGREEMENT TO APPEAR INFORMALLY BEFORE EXECUTIVE COMMITTEE

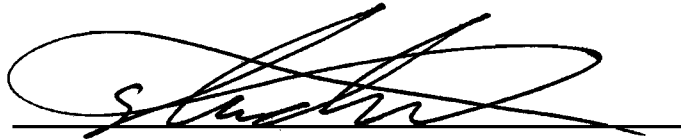
I, Thomas E. Sturdavant, M.D., have requested an opportunity to appear informally before the Executive Committee of the Mississippi State Board of Medical Licensure (hereinafter "Board") to discuss possible resolution of a pending disciplinary matter/investigation or to respond to a complaint duly received 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 19 day of may, 2010.



Witness: Sherry Skuis

AGREEMENT TO APPEAR INFORMALLY BEFORE EXECUTIVE COMMITTEE

I, Ed Egger, 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 19 day of MAY, 2010.

Ed Egger, M.D.

Witness: Sherry Ikin

BOARD

MEETING

MINUTES

BOARD MINUTES
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
MAY 20, 2010

The regularly scheduled meeting of the Mississippi State Board of Medical Licensure was held on Thursday, May 20, 2010, 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
S. Randall Easterling, M.D., Vicksburg, Secretary
Larry B. Aycock, M.D., McComb
Virginia M. Crawford, M.D., Hattiesburg
A. Wallace Conerly, M.D., Jackson
William B. Jones, M.D., 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
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:

Dewitt G. Crawford, M.D., Louisville
Philip T. Merideth, M.D., J.D., Jackson
Charles Thomas, Yazoo City, 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. Mayo. Dr. Gibson welcomed the Court Reporter, Aleshia Johnson, and extended a welcome to all visitors present at the meeting.

Dr. Gibson opened the floor for public comments but there were none.

BOARD MINUTES
MAY 20, 2010
Page 2

REPORT FROM NOMINATING COMMITTEE

Dr. Jones, member of the Nominating Committee, advised that the committee had met and were recommending that the slate of officers to serve the Board beginning July 1, 2010, is as follows:

President - William Mayo, D.O.
Vice President - Randy Easterling, M.D.
Secretary - Virginia Crawford, M.D.

Dr. Jones asked if there were any other nominations from the floor. There being no other nominations, Dr. Jones made a motion to approve the nominees as presented. Dr. Aycock seconded the motion and it carried unanimously.

RESOLUTIONS

Dr. Craig advised that we have three (3) Board members that will be rotating off the Board as of June 30, 2010. Dr. Craig advised that Dr. Dewitt Crawford has served on the Board for twelve (12) years; Dr. Wallace Conerly has served for six (6) years; and Dr. Don Gibson has served for six (6) years.

Dr. Craig presented Dr. Conerly and Dr. Gibson a plaque from the Board thanking them for their service and commitment. Dr. Craig also presented them with Resolutions. Dr. D. Crawford, due to prior commitments, was not present at the meeting today but will also be presented with a plaque and Resolution.

Copies of the Resolutions for Dr. D. Crawford, Dr. Conerly, and Dr. Gibson are spread upon the Minutes and are attached hereto and incorporated by reference.

APPROVAL OF CERTIFICATION OF MISSISSIPPI LICENSES TO OTHER ENTITIES FOR THE PERIOD MARCH 01, 2010, THROUGH APRIL 30, 2010

Two hundred twenty-five (225) licenses were certified to other entities for the period of March 01, 2010, through April 30, 2010. Motion was made by Dr. Mayo, seconded by Dr. Easterling, and carried unanimously to approve these certifications.

APPROVAL OF LICENSES ISSUED FOR THE PERIOD MARCH 01, 2010, THROUGH APRIL 30, 2010

Sixty-four (64) licenses were issued for the period March 01, 2010, through April 30, 2010. Motion was made by Dr. Easterling, seconded by Dr. Mayo, and carried unanimously to approve these licenses.

BOARD MINUTES
MAY 20, 2010
Page 3

REVIEW OF MINUTES OF THE EXECUTIVE COMMITTEE MEETING DATED MARCH 10, 2010, AND MINUTES OF THE BOARD MEETING DATED MARCH 11, 2010

Minutes of the Executive Committee meeting dated March 10, 2010, and Minutes of the Board Meeting dated March 11, 2010, were reviewed. Dr. Mayo moved for approval of the minutes as submitted. Dr. Easterling seconded the motion, and it carried unanimously.

REPORT OF MAY 19, 2010, EXECUTIVE COMMITTEE MEETING

Dr. Craig briefly discussed issues that were approved by the Executive Committee on May 19, 2010. Information pertaining to the Executive Committee's decisions are included in the Executive Committee Minutes dated May 19, 2010.

Motion was made by Dr. Aycock, seconded by Dr. Jones, and carried unanimously to ratify all the issues/actions approved and reported by the Executive Committee on May 19, 2010.

REPORTS FROM COMMITTEES

Consumer Health - Mr. Breland (Chair), Mr. Burnham, Mr. Thomas

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. Jones

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

BOARD MINUTES
MAY 20, 2010
Page 4

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

In Dr. Merideth's absence, 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 that the regulation concerning telemedicine would be voted on for final adoption later. Dr. Aycock advised that he had just returned from attending the American Telemedicine Association (ATA) meeting in San Antonio, TX. Dr. Aycock stated that the meeting was very educational.

PRESENTATION BY NAN M. WALLIS, PRESIDENT OF PHARMPLUS

Dr. Craig advised that PHARMplus was here at the request of the Mississippi State Medical Association (MSMA) to present their Primary RX in-office dispensing program to the Board.

Dr. Craig introduced Nan Wallis, President of PHARMplus, and thanked them for coming. Ms. Wallis introduced Bobby Harell and David Donnell and advised that Mr. Donnell was the attorney for PHARMplus in Mississippi. Ms. Wallis and Mr. Harell gave an informative overview of the program and explained how the Primary Rx dispensing program would work for the physicians and how they believe that this product will help in reducing healthcare costs.

After the presentation, Ms. Wallis and Mr. Harell answered several questions from the Board. It was noted that PHARMplus was not here requesting permission to provide this service, as it can be legally done under our current rules and regulations, but would like the Board's approval of their program and wanted to ensure that the Board understands exactly how the program works.

**HEARING IN THE CASE OF ROBERT S. CORKERN, M.D., BATEVILLE,
MISSISSIPPI MEDICAL LICENSE NUMBER 12101**

Mr. Ingram, Complaint Counsel for the Board, addressed the Board and advised that Dr. Corkern was present but was without legal counsel. Mr. Ingram questioned Dr. Corkern regarding legal counsel and Dr. Corkern stated that he wanted to waive his right to an attorney and proceed without legal counsel.

Mr. Ingram advised that Dr. Corkern was here seeking authorization to register with the U.S. Drug Enforcement Administration for a Uniform Controlled Substances Registration Certificate. Mr. Ingram advised that Dr. Corkern had entered into a

BOARD MINUTES
MAY 20, 2010
Page 5

Consent Order with the Board on January 21, 2010, that resulted in certain terms, conditions and restrictions being placed upon his license to practice medicine. Mr. Ingram advised that Dr. Corkern's Consent Order stated that he had the right to petition the Board for return of prescribing privileges after expiration of six (6) months.

Dr. Corkern addressed the Board and advised that he wanted to go back to work in the emergency room and he was here today requesting that restrictions be removed from his license so that he would be allowed to practice in emergency rooms. Mr. Ingram questioned Dr. Corkern relative to the additional 50 hours of CME and Dr. Corkern advised that he had not gotten them as he thought he had a year to complete his obligation.

Following questions from several Board members, motion was made by Dr. Aycock, seconded by Dr. Mayo, and carried unanimously that the Board enter into Executive Session to discuss the matter.

Upon a motion by Dr. Mayo, seconded by Dr. V. Crawford, and carried unanimously the Board came out of Executive Session at which time Dr. Gibson asked Dr. Easterling to report on the Board's decision. Dr. Easterling advised that the Board unanimously voted to deny Dr. Corkern's request. Dr. Easterling stated that Dr. Corkern may re-petition the Board for removal of all restrictions after completion of the 50 hours of additional CME as stated in his Consent Order and once full payment of all costs associated with the Board's investigation has been handled. A copy of the Order of the Board is attached hereto and incorporated by reference.

A verbatim account of this proceeding was recorded by Aleshia Johnson, Court Reporter.

**FINAL ADOPTION OF AMENDMENT TO REGULATION CONCERNING
EMERGENCY TELEMEDICINE**

Dr. Aycock briefly covered the regulation and advised that due to all the changes in telemedicine that the regulation would probably have several updates over the next couple of years. Motion was made by Dr. Mayo, seconded by Dr. Aycock, and carried unanimously of the Board's intent to final adopt the amendment to the regulation concerning emergency telemedicine. 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 AMENDMENT TO REGULATION CONCERNING MEDICAL EXPERT ACTIVITIES BY PHYSICIANS

Motion was made by Dr. Aycock, seconded by Dr. Mayo, and carried unanimously of the Board's intent to final adopt the amendment to the regulation concerning medical expert activities by physicians. 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 CHANGES TO REGULATION CONCERNING THE PRACTICE OF MEDICAL DOCTORS, OSTEOPATHIC PHYSICIANS AND PODIATRISTS

Initially, a motion was made by Dr. Aycock, and was seconded by Dr. Mayo to accept the proposed amendment changes to the regulation. After several questions concerning the definition of a physician, motion was made by Dr. Mayo, seconded by Dr. V. Crawford, and carried unanimously to withdraw the original motion and reconsider the matter after it has been reviewed by the Rules, Regulation & Legislative Committee.

RECOGNITION OF BOARD MEMBER

Dr. Craig advised that congratulations were in order for Dr. Easterling. Dr. Craig briefly discussed the Resolution recognizing and commending Dr. Easterling for his professional, civic and charitable leadership in the State. A copy of the Resolution is attached hereto and incorporated by reference.

THE BOARD RECESSED FOR LUNCH AT 10:55 A.M. AND RECONVENED AT 12 NOON

DR. CONERLY AND MR. BURNHAM DID NOT RETURN TO THE MEETING AFTER THE LUNCH RECESS

HEARING IN THE CASE OF ZVI MAROM, M.D., HAZLEHURST, MISSISSIPPI MEDICAL LICENSE NUMBER 18789

Mr. Ingram introduced Dr. Marom and advised the Board that he was being represented by his attorney, Dennis Horn.

Mr. Ingram addressed the Board with opening statements. Mr. Ingram covered the Summons and Affidavit and advised that counts V and IX were voluntarily dismissed by the Board prior to the hearing and covered how the remaining counts dealt with failing to notify the Board of change of practice locations and violating the terms of the

BOARD MINUTES
MAY 20, 2010
Page 7

Board's Order or Agreement with Dr. Marom. Mr. Ingram advised that evidence will show that Dr. Marom had agreed to limit his practice to correctional medical services only as well as agreeing to notify the Board of any changes to his practice location.

Mr. Horn addressed the Board with opening statements. Mr. Horn stated that the Summons and Affidavit had been amended to strike counts V and IX as they dealt with Dr. Marom's standard of care and that they were strongly contested. After questioning the Board members concerning the facts, Mr. Horn made a motion to strike the entire Board. Ms. O'Neal, Assistant Attorney General, and responsible for ruling on procedural and evidentiary issues, questioned each Board member and then denied Mr. Horn's request.

Dr. Marom was called to the witness stand and was sworn in by the court reporter before he addressed the Board. Mr. Ingram questioned Dr. Marom about the agreement with the Board and he stated that he "totally forgot" about the licensure conditions. Also, Mr. Ingram entered several exhibits into the record explaining them to the Board members.

Mr. Horn addressed the Board and entered additional exhibits into the record, as well as questioning Dr. Marom.

DR. V. CRAWFORD EXITED THE MEETING AT 1:10 P.M.

Closing comments were made by Mr. Ingram and Mr. Horn.

Upon a motion by Dr. Mayo, seconded by Dr. Aycock, and carried unanimously the Board went into Executive Session to discuss the matter.

Upon a motion by Dr. Mayo, seconded by Dr. Jones, and carried unanimously the Board came out of Executive Session at which time Dr. Gibson asked Dr. Easterling to report on the Board's decision. Dr. Easterling advised that in a three (3) for, two (2) against, that the Board finds Dr. Marom guilty of Counts I, II, III, IV, VI, VII, VIII, X, and XI. The Board hereby lifts the requirement that Dr. Marom work only in a correctional institution. Also, the Board hereby suspends Dr. Marom's license for one (1) year, but will allow Dr. Marom the opportunity to appear at the Board's next Executive Committee meeting in two (2) months and petition the Board to stay the suspension for the remaining ten (10) months. Also, Dr. Marom must pay all investigative costs within twelve (12) months of this Order.

A copy of the Order is attached hereto and incorporated by reference.

BOARD MINUTES
MAY 20, 2010
Page 8

A verbatim account of this proceeding was recorded by Aleshia Johnson, Court Reporter.

DATE FOR JULY BOARD MEETING

The next Executive Committee meeting is scheduled for July 21, 2010, with the Board meeting following on July 22, 2010.


ARTICLE FOR DISCUSSION

Dr. Craig briefly discussed an article that was in the Board of Nursing's spring magazine. The article was entitled, "APRN's in Aesthetic Practice". The Board of Nursing feels that these issues do fall in the scope of practice for APRN's to perform.

Following a brief discussion, motion was made by Dr. Mayo, seconded by Dr. Aycock, and carried unanimously that Dr. Craig request an Attorney General's Opinion relative to APRN's and the practice of medicine.

ADJOURNMENT

There being no further business, the meeting adjourned at 3:20 p.m., with the next scheduled meeting for Thursday, July 22, 2010.



Don A. Gibson, M. D.
President

Minutes taken and transcribed
by Sherry Harris
Staff Officer
May 20, 2010


**EXECUTIVE SESSION
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
MAY 20, 2010**

AGENDA ITEM: XIII. Hearing in the case of Robert S. Corkern, M.D.

In a motion made by Dr. Easterling, seconded by Dr. Mayo, and carried unanimously, Dr. Corkern's request was denied. Physician my re-petition Board for removal of all restrictions after completion of 50 hours of additional CME as stated in Consent Order and once full payment of all costs associated with Board investigation has been handled.

<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. Jones, M.D.	X			
William S. Mayo, D.O.	X			
Philip T. Merideth, M.D., J.D.				X

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



Don A. Gibson
President

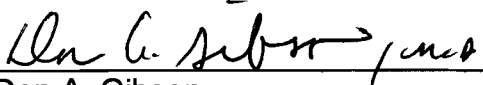
**EXECUTIVE SESSION
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
MAY 20, 2010**

AGENDA ITEM: XIV. Hearing in the case of Zvi Marom, M.D.

Motion made by Dr. Mayo, seconded by Dr. Jones, in a vote of three (3) for, and two (2) against that Dr. Marom was guilty of Counts I, II, III, IV, VI, VII, VIII, X, and XI. The Board hereby lifts the requirement that you work only in a correctional institution. The Board hereby suspends your license for one (1) year, but will allow Dr. Marom the opportunity at the next Executive Committee meeting in two (2) months to appear and petition the Board to stay the suspension for the remaining ten (10) months. Also, Dr. Marom must pay all investigative costs not exceeding \$10,000 within twelve (12) months of issuance of this Order.

<u>VOTE:</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Larry B. Aycok, 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. Jones, M.D.	X			
William S. Mayo, D.O.	X			
Philip T. Merideth, M.D., J.D.				X

With a motion by Dr. Mayo, seconded by Dr. Jones, the Board came out of Executive Session.



Don A. Gibson
President

RESOLUTION

WHEREAS, A. Wallace Conerly, M.D., Jackson, Mississippi, faithfully and conscientiously served the Mississippi State Board of Medical Licensure as a member for six years; and

WHEREAS, Dr. Conerly served as Chair of the Education and Workforce Committee of the Mississippi State Board of Medical Licensure; and

WHEREAS, Dr. Conerly 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

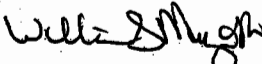
WHEREAS, during his years of service Dr. Conerly continually and graciously gave his efforts, time and abilities toward maintaining the highest standard of medical practice for which the State of Mississippi is noted;

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. Conerly 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. Conerly expressing to him the highest esteem of the Board.


DATED, this the twentieth day of May, 2010.

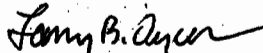

Don A. Gibson, M.D., President


William S. Mayo, D.O., Vice President


S. Randall Easterling, M.D., Secretary

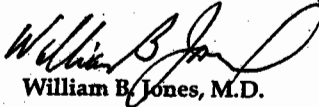
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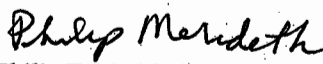

H. Vann Craig, M.D.
Executive Director


Larry B. Aycock, M.D.


Dewitt G. Crawford, M.D.


Virginia M. Crawford, M.D.


William B. Jones, M.D.


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

RESOLUTION

WHEREAS, Dewitt Grey Crawford, M.D., Louisville, Mississippi, faithfully and conscientiously served the Mississippi State Board of Medical Licensure as a member for twelve years; and

WHEREAS, Dr. Crawford served as Secretary, Vice President, two terms as President, and two months as Interim Executive Director of the Mississippi State Board of Medical Licensure; and

WHEREAS, Dr. Crawford 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. Crawford 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;

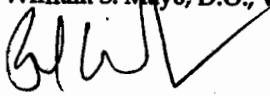
THEREFORE, BE IT RESOLVED, that the Mississippi State Board of Medical Licensure, on behalf of the Board and the people of the State of Mississippi, by means of this resolution, express to Dr. Crawford its gratitude and appreciation for his services during the years he devoted to the Board and the State 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. Crawford expressing to him the highest esteem of the Board.

DATED, this the twentieth day of May, 2010.

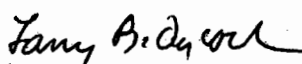

Don A. Gibson, M.D., President


William S. Mayo, D.O., Vice President



S. Randall Easterling, M.D., Secretary

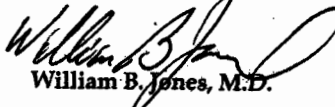
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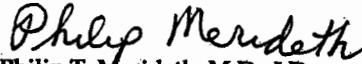

H. Vann Craig, M.D.
Executive Director


Larry B. Aycock, M.D.


A. Wallace Conerly, M.D.


Virginia M. Crawford, M.D.


William B. Jones, M.D.


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

RESOLUTION

WHEREAS, Don Albert Gibson, M.D., Richland, Mississippi, faithfully and conscientiously served the Mississippi State Board of Medical Licensure as a member for six years; and

WHEREAS, Dr. Gibson served as Secretary, Vice President, and President of the Mississippi State Board of Medical Licensure; and

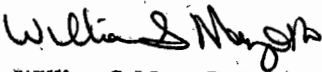
WHEREAS, Dr. Gibson discharged his duties with firmness, dignity and compassion, always in keeping with the intent of the Medical Practice Act and Rules and Regulations of this Board, and thereby working to the great benefit of the Board and citizens of the State of Mississippi; and

WHEREAS, during his years of service Dr. Gibson 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. Gibson 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. Gibson expressing to him the highest esteem of the Board.


DATED, this the twentieth day of May, 2010.


William S. Mayo, D.O., Vice President


S. Randall Easterling, M.D., Secretary


Larry B. Aycock, M.D.

ATTEST:

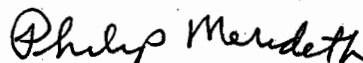

H. Vann Craig, M.D.
Executive Director


A. Wallace Conerly, M.D.


Dewitt G. Crawford, M.D.


Virginia M. Crawford, M.D.


William B. Jones, M.D.


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

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

ROBERT STEPHEN CORKERN, M.D.

ORDER

THIS MATTER came on regularly for hearing on May 20, 2010, before the Mississippi State Board of Medical Licensure, hereinafter referred to as "the Board," in response to the Petition of Robert Stephen Corkern, M.D., hereinafter referred to as "Licensee," seeking authorization to register with the U.S. Drug Enforcement Administration for a Uniform Controlled Substances Registration Certificate. Licensee entered into a Consent Order with this Board on January 21, 2010, resulting in certain terms, conditions and restrictions being placed upon his license to practice medicine in the State of Mississippi with the right to petition the Board for return of prescribing privileges after expiration of six (6) months. One of such conditions prohibited Licensee from ordering, manufacturing, distributing, possessing, dispensing, administering or prescribing any controlled substances in Schedules II, IIN, III, IIIN, IV, and V. A second restriction prohibited Licensee from ordering, manufacturing, distributing, possessing, dispensing, administering or prescribing the medications Stadol and Nubain, Tramadol (Ultram), Carisoprodol (Soma) or Butalbital or their generic equivalents, in any form without prior authorization by the Board. Other conditions required Licensee to obtain fifty (50) hours of Continuing Medical Education (CME) in addition to the hours required by Board regulation and to reimburse the Board for certain costs as required by law.

While the Consent Order permits the Board to reinstate Licensee's controlled substance privileges in schedules III, IIIN, IV and V at this time, Licensee has asked that all privileges, including those in schedules II and IIN, be reinstated contrary to the six month requirement

imposed. More importantly, while Licensee was given one year to obtain the full complement of CME hours, the Board took notice of the fact that during the past five to six months, Licensee did not secure the first hour of CME, especially that aimed at addressing the deficiencies in Licensee's understanding of the proper use of controlled substances. For these reasons, the Board finds that Licensee's petition is not well taken.

IT IS THEREFORE ORDERED, Licensee's petition to register with the U.S. Drug Enforcement Administration for a Uniform Controlled Substances Registration Certificate, for Schedules II, IIN, III, IIIN, IV, and V, along with authorization to possess, prescribe and handle the medications Stadol, Nubain, Tramadol (Ultram), Carisoprodol (Soma) or Butalbital or their generic equivalents is hereby denied.

IT IS FURTHER ORDERED, that Licensee shall have the right to petition for reconsideration after providing documentary proof of completing CME, especially CME addressing the proper use of controlled substances. Licensee is also reminded of his obligation to reimburse the Board for all costs up to \$10,000 within 40 days of receipt of an invoice.

IT IS FURTHER ORDERED, that pursuant to Mississippi Code Annotated §73-25-27, a copy of this Order shall be sent by registered mail or personally served on Licensee.

SO ORDERED, this the 20th day of May, 2010.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**



**DON A. GIBSON, M.D.
PRESIDENT**

Mississippi Secretary of State
700 North Street P. O. Box 136, Jackson, MS 39205-0136

ADMINISTRATIVE PROCEDURES NOTICE FILING

AGENCY NAME Board of Medical Licensure		CONTACT PERSON Rhonda Freeman	TELEPHONE NUMBER (601) 987-0223	
ADDRESS 1867 Crane Ridge Drive, Suite 200-B		CITY Jackson	STATE MS	ZIP 39216
EMAIL rhonda@msbml.ms.gov	SUBMIT DATE 05/21/2010	Name or number of rule(s): 30.II.19.100 - Practice of Telemedicine		

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: _____

This is an amendment to a current rule which expands the telemedicine law. The Board is incorporating the practice of telemedicine with the practice of emergency telemedicine.

Specific legal authority authorizing the promulgation of rule: 73-43-11

List all rules repealed, amended, or suspended by the proposed rule: none _____

ORAL PROCEEDING:

An oral proceeding is scheduled for this rule on Date: _____ Time: _____ Place: _____

Presently, an oral proceeding is not scheduled on this rule.

If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more 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, email address, and telephone number of the person(s) making the request; and, if you are an agent or attorney, the name, address, email address, and telephone number of the party or parties you represent. At any time within the twenty-five (25) day public comment period, written submissions including arguments, data, and views on the proposed rule/amendment/repeal may be submitted to the filing agency.

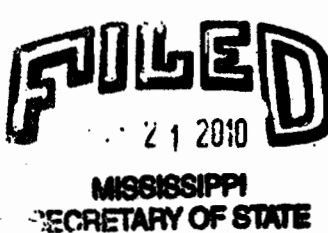
ECONOMIC IMPACT STATEMENT:

Economic impact statement not required for this rule. Concise summary of economic impact statement attached.

TEMPORARY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
_____ Original filing _____ Renewal of effectiveness To be in effect in _____ days Effective date: _____ Immediately on _____ Other (specify): _____	Action proposed: _____ New rule(s) _____ Amendment to existing rule(s) _____ Repeal of existing rule(s) _____ Adoption by reference Proposed date of adoption: _____ 30 days after filing _____ Other (specify): _____	Action taken: <input checked="" type="checkbox"/> Adopted with no changes in text _____ Adopted with changes _____ Adopted by reference _____ Withdrawn _____ Repeal adopted as proposed Effective date: <input checked="" type="checkbox"/> 30 days after filing _____ Other (specify): _____

Printed name and Title of person authorized to file rules: Rhonda Freeman, Bureau Director

Signature of person authorized to file rules: *Rhonda Freeman*

OFFICIAL FILING STAMP <div style="border: 1px solid black; height: 100px; width: 100%;"></div>	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP <div style="border: 1px solid black; height: 100px; width: 100%;"></div>	OFFICIAL FILING STAMP <div style="border: 1px solid black; padding: 10px;">  </div>
Accepted for filing by _____	Accepted for filing by _____	Accepted for filing by <i>AF</i>

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

Chapter 19 Practice of Telemedicine

Definitions

- 100 For the purpose of Chapter 19 only, the following terms have the meanings indicated:
1. “Physician” means any person licensed to practice medicine or osteopathic medicine in the state of Mississippi.
 2. “Telemedicine” is the practice of medicine using electronic communication, information technology or other means between a physician in one location and a patient in another location with or without an intervening health care provider. This definition does not include the practice of medicine through postal or courier services.
 3. “Teleemergency medicine” is a unique combination of telemedicine and the collaborative/consultative role of a physician board certified in emergency medicine, and an appropriate skilled health professional (nurse practitioner or physician assistant).

Licensure

- 200 The practice of medicine is deemed to occur in the location of the patient. Therefore only physicians holding a valid Mississippi license are allowed to practice telemedicine in Mississippi. However, a valid Mississippi license is not required where the evaluation, treatment and/or medicine given to be rendered by a physician outside of Mississippi is requested by a physician duly licensed to practice medicine in Mississippi, and the physician who has requested such evaluation, treatment and/or medical opinion has already established a doctor/patient relationship with the patient to be evaluated and/or treated.

Informed Consent

- 300 The physician using telemedicine should obtain the patient’s informed consent before providing care via telemedicine technology. In addition to information relative to treatment, the patient should be informed of the risk and benefits of being treated via a telemedicine network including how to receive follow-up care or assistance in the event of an adverse reaction to treatment or if there is a telemedicine equipment failure.

Physician Patient Relationship

- 400 In order to practice telemedicine a valid “physician patient relationship” must be established. The elements of this valid relationship are:
- verify that the person requesting the medical treatment is in fact who they claim to be;
 - conducting an appropriate examination of the patient that meets the applicable standard of care;
 - establishing a diagnosis through the use of accepted medical practices, ie., a patient history, mental status exam, physical exam and appropriate diagnostic and laboratory testing;
 - discussing with the patient the diagnosis, risks and benefits of various treatment

- options to obtain informed consent;
- insuring the availability of appropriate follow-up care; and
- maintaining a complete medical record available to patient and other treating health care providers.

Examination

500 Physicians using telemedicine technologies to provide medical care to patients located in Mississippi must provide an appropriate examination prior to diagnosis and treatment of the patient. However, this exam need not be in person if the technology is sufficient to provide the same information to the physician as if the exam had been performed face to face.

Other exams may be appropriate if a licensed health care provider is on site with the patient and is able to provide various physical findings that the physician needs to complete an adequate assessment. However a simple questionnaire without an appropriate exam is in violation of this policy and may subject the physician to discipline by the Board.

Medical Records

600 The physician treating a patient through a telemedicine network must maintain a complete record of the patient's care. The physician must maintain the record's confidentiality and disclose the record to the patient consistent with state and federal laws. If the patient has a primary treating physician and a telemedicine physician for the same medical condition, then the primary physician's medical record and the telemedicine physician's record constitute one complete patient record.

Collaborative/Consultative Physician Limited

700 No physician practicing teleemergency medicine shall be authorized to function in a collaborative/consultative role as outlined in Chapter 09 unless his or her practice location is a Level One Hospital Trauma Center that is able to provide continuous twenty-four hour coverage and has an existing air ambulance system in place. Coverage will be authorized only for those emergency departments of licensed hospitals who have an average daily census of thirty (30) or fewer acute care/medical surgical occupied beds as defined by their Medicare Cost Report.

Reporting Requirements

800 Annual reports detailing quality assurance activities, adverse or sentinel events shall be submitted for review to the Mississippi State Board of Medical Licensure by all institutions and/or hospitals operating teleemergency programs.

Amended October 15, 2003. Amended November 4, 2004. Amended January 30, 2006. Amended May 20, 2010.

Mississippi Secretary of State

700 North Street P. O. Box 136, Jackson, MS 39205-0136

ADMINISTRATIVE PROCEDURES NOTICE FILING

AGENCY NAME Board of Medical Licensure		CONTACT PERSON Rhonda Freeman	TELEPHONE NUMBER (601) 987-0223	
ADDRESS 1867 Crane Ridge Drive, Suite 200-B		CITY Jackson	STATE MS	ZIP 39216
EMAIL rhonda@msbml.ms.gov	SUBMIT DATE 05/21/2010	Name or number of rule(s): 30.II.22.900 - Medical Expert Activities by Physicians		

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: _____

This is an amendment to a current rule which deletes the current repealer and removes the language which requires new applicants and current licensees to verify on applications that they have read the regulation.

Specific legal authority authorizing the promulgation of rule: 73-43-11

List all rules repealed, amended, or suspended by the proposed rule: none**ORAL PROCEEDING:** An oral proceeding is scheduled for this rule on Date: _____ Time: _____ Place: _____ Presently, an oral proceeding is not scheduled on this rule.

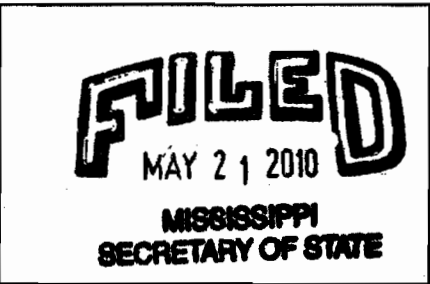
If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address, email address, and telephone number of the person(s) making the request; and, if you are an agent or attorney, the name, address, email address, and telephone number of the party or parties you represent. At any time within the twenty-five (25) day public comment period, written submissions including arguments, data, and views on the proposed rule/amendment/repeal may be submitted to the filing agency.

ECONOMIC IMPACT STATEMENT: Economic impact statement not required for this rule. Concise summary of economic impact statement attached.

TEMPORARY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
<input type="checkbox"/> Original filing <input type="checkbox"/> Renewal of effectiveness To be in effect in _____ days Effective date: <input type="checkbox"/> Immediately on <input type="checkbox"/> Other (specify): _____	Action proposed: <input type="checkbox"/> New rule(s) <input type="checkbox"/> Amendment to existing rule(s) <input type="checkbox"/> Repeal of existing rule(s) <input type="checkbox"/> Adoption by reference Proposed date of adoption: <input type="checkbox"/> 30 days after filing <input type="checkbox"/> Other (specify): _____	Action taken: <input checked="" type="checkbox"/> Adopted with no changes in text <input type="checkbox"/> Adopted with changes <input type="checkbox"/> Adopted by reference <input type="checkbox"/> Withdrawn <input type="checkbox"/> Repeal adopted as proposed Effective date: <input checked="" type="checkbox"/> 30 days after filing <input type="checkbox"/> Other (specify): _____

Printed name and Title of person authorized to file rules: Rhonda Freeman, Bureau Director

Signature of person authorized to file rules: *Rhonda Freeman*

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

Chapter 22 Medical Expert Activities by Physicians

Authority and Purpose

100 The Mississippi State Board of Medical Licensure (hereinafter referred to as “the Board”) adopts these regulations governing medical expert activities by physicians pursuant to Chapters 25 and 43 of Title 73 of the Mississippi Code. The Mississippi State Board of Medical Licensure finds it necessary to fulfill its statutory responsibilities by adopting these regulations in order to protect the public, to set professional standards, to enforce the provisions of law regarding the performance of medical expert activities by physicians, and to further other legitimate government purposes in the public interest.

Scope

200 These regulations apply to any physician who performs medical expert activities regarding any person, facility, or entity located within the state of Mississippi, or regarding an event alleged to have occurred within the state of Mississippi, regardless of the location, type, or status of the physician’s medical expert activity, the presence or absence of the physician expert’s license to practice medicine in Mississippi, the physician expert’s presence or absence of a physician-patient relationship in Mississippi, the type of medical expert activity performed (e.g., oral testimony or a written statement), or the setting in which the medical expert activity is performed (e.g., a state or federal court or administrative agency).

201 No part of these regulations is intended to conflict with or supercede the authority of any state or federal court or administrative agency to designate a physician as a medical expert in a legal matter then pending before the court or agency. The Board does not intend for these regulations to conflict with or supercede the description or regulation of the function of a physician serving as an “expert” as that term is used in the Mississippi Rules of Evidence or in other provisions of law, rules, regulations, or decisions of any court or administrative agency.

202 No part of these regulations is intended to conflict with or supercede the authority of a person other than a physician to serve as an expert in a legal matter. Furthermore, the Board does not intend for these regulations to have any effect on physicians’ participation in legal proceedings in a capacity other than as a medical expert.

Definition of Medical Expert Activities

300 For the purposes of these regulations only, the Mississippi State Board of Medical Licensure has determined that the definition of the term “medical expert activities” includes, but is not limited to, the use of medical knowledge and professional judgment by a physician to:

1. Suggest or recommend to a person any medical advice or other agency (whether material or not material).
2. Perform medical services (including, but not limited to, a physical or mental

- examination of a person).
3. Conduct a review of a person's medical record.
 4. Serve as a medical consultant.
 5. Render a medical opinion concerning the diagnosis or treatment of a person.
 6. Produce a written medical expert opinion report, affidavit, or declaration.
 7. Give testimony under oath as a medical expert at a state or federal hearing, deposition, trial, administrative agency proceeding, alternative dispute resolution proceeding, or any other legal proceeding, regarding the medical issues in a legal matter or claim for injuries that is then pending in a court or administrative agency, or which may be filed or asserted whether or not such claim ever results in a pending legal matter and which involves a person, facility, or entity located within the state of Mississippi, or an event alleged to have occurred within the state of Mississippi.

Licensure and Qualification Requirements

- 400 Except as otherwise provided by law, rule or regulation of this state, any medical expert activity by a physician regarding a legal matter pending in a state or federal court or administrative agency in Mississippi must be performed by a physician who holds a current unrestricted medical license in Mississippi, another state or foreign jurisdiction, and who has the qualifications to serve as a medical expert on the issue(s) in question by virtue of knowledge, skill, experience, training, or education. This rule does not supercede the policies and regulations of the Board in regards to unreferral diagnostic screening tests.
- 401 The practice of any physician not licensed in Mississippi that meets the licensure and qualification requirements stated in Section 400 of this regulation shall be deemed automatically by the Board to be authorized to include the performance of medical expert activities as an otherwise lawful practice, without any need for licensure verification or further requirement for licensure. In accordance with the provisions of law in Mississippi, any physician not licensed in Mississippi whose practice is deemed automatically by the Board to be authorized to include the performance of medical expert activities as an otherwise lawful practice shall be subject to regulation by the Board regarding the physician's performance of such medical expert activities in the state of Mississippi.

Professional Standards

- 500 Any physician who performs medical expert activities must:
1. Comply with these regulations and all applicable provisions of Mississippi law (e.g., statutes, court rules and decisions, and other administrative agency rules and regulations) with regard to the performance of medical expert activities.
 2. Comply with medical ethics principles, including, but not limited to, ethics principles established by the American Medical Association and relevant medical specialty associations.
 3. Be honest in all professional interactions involving his or her medical expert

- activities.
4. Not accept payment for medical expert activities that is contingent upon the result or content of any medical diagnosis, opinion, advice, services, report, or review; or that is contingent upon the outcome of any case, claim, or legal matter then pending or contemplated.
 5. Not make or use any false, fraudulent, or forged statement or document.

Professional Accountability for Violation of Regulations

- 600 Any physician who performs medical expert activities, whether or not licensed to practice medicine in Mississippi, may be disciplined or otherwise held professionally accountable by the Board, upon a finding by the Board that the physician is unqualified as evidenced by behavior including, but not limited to, incompetent professional practice, unprofessional conduct, or any other dishonorable or unethical conduct likely to deceive, defraud, or harm the public.
- 601 Any violation of Section 500 of this regulation as enumerated above shall constitute unprofessional conduct in violation of Mississippi Code, Section 73-25-29(8).

Complaint Procedure, Investigation, Due Process, and Actions Available to the Board

- 700 Any person who has reason to believe that any physician may have failed to comply with any part of these regulations in the performance of medical expert activities may make a complaint to the Mississippi State Board of Medical Licensure on a complaint form that is furnished by the Board.
- 701 Any physician, whether or not licensed to practice medicine in Mississippi, who performs medical expert activities in the context of a legal matter regarding any person, facility, entity, or event located within the state of Mississippi may be subject to an investigation by the Mississippi State Board of Medical Licensure upon the receipt of a complaint regarding the physician's conduct or practice. Any such physician shall be afforded the due process procedures of the law and Board regulations. The Board, in its sole discretion, may refer the complaint to the medical licensure authority of another state, or to any other appropriate legal authority.
- 702 Any physician may request, or may be summoned by the Board, to appear before the Board at a hearing to consider the physician's compliance with these regulations. Any physician's failure to appear when summoned to a hearing may be deemed by the Board to be a waiver of the physician's due process opportunity to appear before the Board and may result in a finding by the Board that the physician is out of compliance with these regulations *in absentia*.
- 703 In disciplining a physician licensed to practice medicine in Mississippi or otherwise holding any physician professionally accountable pursuant to these regulations and to the statutes, rulings, and other regulations and provisions of Mississippi law, the actions that the Mississippi State Board of Medical Licensure may take include, but are not limited to,

one or more of the following:

1. Denying, suspending, restricting, or revoking a Mississippi license to practice medicine.
2. Administering a public or private reprimand to a Mississippi licensed physician.
3. Assessing up to \$10,000 of the reasonable investigation costs expended by the Board in investigating a Mississippi licensed physician.
4. Moving for an injunction in Chancery Court to prohibit any physician's further performance of medical expert activities.
5. Petitioning the Chancery Court to cite any noncompliant physician for contempt of court.
6. Referring the matter to another medical licensure authority or other legal authority for action regarding any physician.
7. Any other action regarding any physician that the Board may deem proper under the circumstances (e.g., issuing an advisory letter of concern; issuing a notice of warning; issuing a cease and desist notice; or adopting a resolution of disapproval of any physician's medical expert activities).

704 Any physician who is found by the Mississippi State Board of Medical Licensure to have failed to comply with any part of these regulations may be reported by the Board to any person or organization appropriate under the circumstances in order to enforce or comply with the law or to protect the public, including, but not limited to, the National Practitioner Data Bank, the U.S. Department of Health and Human Services Office of the Inspector General, the Centers for Medicare and Medicaid Services, the Federation of State Medical Boards, the medical licensure authority or state medical association in any state in which the physician is licensed to practice medicine, the American Board of Medical Specialties and any of its member specialty boards, the Mississippi Attorney General or District Attorney, the United States Attorney, any state or federal court or administrative agency, any national or state professional organization or medical specialty association, and any other appropriate person, government agency, healthcare entity, or legal authority.

Compliance Policy and Exemptions

800 In assuring compliance with these regulations, the duty shall be on the physician, not on the party who engaged the physician to perform medical expert activities and not on any other person or entity, to ensure that his or her medical expert activities comply with these regulations. Any physician who claims to be exempt from these regulations shall have the burden of proving to the Board that the exemption is valid.

Amended May 20, 2010.

References

2000 Mississippi Code, Sections 11-1-61, 73-25-27, 73-25-29, 73-25-30, 73-25-33, 73-25-34, 73-25-83, 73-25-87, 73-43-11, 73-51-1, et al

- 2001 Mississippi Rule of Evidence 702
- 2002 "Rules, Regulations, Laws, and Policies of the Mississippi State Board of Medical Licensure." Published by the Mississippi State Board of Medical Licensure and available at Internet address www.msbml.state.ms.us
- 2003 Hall v. Hilbun, 466 So. 2d 856 (Miss. 1985)
- 2004 Code of Medical Ethics, Current Opinions with Annotations. Published by the Council on Ethical and Judicial Affairs of the American Medical Association, 2006-07 edition.
- 2005 "The Role of Licensing Boards in the Evaluation and Discipline of the Expert Witness." Authored by William J. Wenner, Jr., M.D., J.D. Published in the Journal of Medical Licensure and Discipline, Vol. 90, No. 3, 2004, Pp. 15-20 (collecting cases and scholarly publications)
- 2006 Findings of Fact adopted by the Mississippi State Board of Medical Licensure on May 18, 2006.¹

1

COMMENT: Based on information presented to the Board at a public hearing on this matter on March 9, 2006, and on May 18, 2006, and on research and analysis of information obtained by Board members and its staff and attorneys, and also on comments received from numerous sources, including the Board's Consumer Health Committee, leaders of the medical and legal professions, former judges, officials from the Federation of State Medical Boards, and members of the public, the Mississippi State Board of Medical Licensure makes the following Findings of Fact:

1. A physician's professional practice, conducted pursuant to the privilege of possessing a medical license, historically has been subject to regulation by other members of the medical profession, by methods such as peer review, performance evaluation, quality assurance monitoring, and other methods of regulation. However, there is a problem in Mississippi with the lack of regulation of medical expert activities by physicians. This lack of regulation causes the performance of medical expert activities to be vulnerable to fraud, abuse, dishonesty, deception, incompetence, and other forms of unprofessional, dishonorable, and unethical conduct by physician experts, all of which are harmful to the public.
2. A physician's performance of medical expert activities involves a lawful part of a physician's practice that is historically an area of state concern and that the Board has the statutory authority and duty to regulate in order to protect the public.
3. A physician's medical expert activities involve practices that are likely to affect the health, safety, rights, remedies, and general welfare of persons in Mississippi.
4. In keeping with the public policy and provisions of law in Mississippi, the performance of medical expert activities, regardless of the physician expert's location or state(s) of medical licensure, is a lawful practice that requires a qualified physician, and is therefore subject to regulation by, and professional accountability to, the Mississippi State Board of Medical Licensure.
5. Due to its physician membership and statutory authority, the Mississippi State Board of Medical Licensure is uniquely able to establish and enforce licensure requirements, qualification requirements, and Professional Standards related to the performance of medical expert activities by physicians, especially with regard to ethical conduct and competent practice.
6. Regardless of a physician's state(s) of medical licensure, a physician who performs medical expert activities in a legal matter has an ethical duty to practice according to the standards of medical professionalism, to perform all medical expert activities in an honest and competent manner, and to strive to report to appropriate entities any physician who is deficient in character or competence or who engages in fraud or deception.
7. In keeping with the public policy and provisions of law in Mississippi and principles of medical ethics, it is unprofessional, dishonorable, and unethical for a physician to willfully state an opinion or a material fact as a

medical expert in the context of a legal matter that the physician knows or should know is false, or that a reasonable person could objectively conclude was a misrepresentation or other distortion of the truth, or was intended by the physician to mislead or deceive a judge, juror, lawyer, litigant, other expert, hearing officer, administrative body, investigator, legal authority, or any finder of fact.

8. In adopting these regulations, the Mississippi State Board of Medical Licensure has attempted to tailor these regulations as closely as possible to the current provisions of Mississippi law, in order to regulate medical expert activities for the legitimate government purpose of protecting the public and to further other legitimate government purposes in the public interest.
9. In adopting these regulations, the Mississippi State Board of Medical Licensure states that its intent is only to regulate the conduct and practice of physicians who perform medical expert activities in Mississippi. The Board does not intend for these regulations to be subverted or misused by participants in legal proceedings as a procedural weapon to intimidate or harass a physician expert or to delay or otherwise complicate the administration of justice.

The Mississippi State Board of Medical Licensure shall provide a copy of these regulations, with these Comments appended, to the Mississippi Supreme Court, the Mississippi Court of Appeals, the respective conferences of the Mississippi Circuit, Chancery, and County Judges, the Administrative Office of the Courts, the Mississippi Attorney General, the United States District Courts and United States attorneys located in Mississippi, the Mississippi Workers' Compensation Commission, the Mississippi Bar Association, the Mississippi State Medical Association, the Federation of State Medical Boards, and any other appropriate person or organization at the discretion of the Board's Executive Director, with the request that those organizations give notice to their members or other interested parties of the existence of these regulations.

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

ZVI MAROM, M.D.

ORDER

THIS MATTER came on regularly for hearing on May 20, 2010, before the Mississippi State Board of Medical Licensure (hereinafter "Board"), pursuant to Title 73, Chapter 25 of Mississippi Code (1972) Annotated. On May 20, 2010, Licensee was present, represented by Honorable Dennis Horn. Complaint Counsel for the Board was Honorable Stan T. Ingram. Sitting as legal advisor to the Board was Honorable Ellen O'Neal, Assistant Attorney General. Board members present for all proceedings were Don A. Gibson, M.D., President; William S. Mayo, D.O.; S. Randall Easterling, M.D.; Larry Aycock, M.D. and William B. Jones, M.D. The Board initiated these proceedings on February 5, 2010, by issuance of a Summons and Affidavit against Zvi Marom, M.D. (hereinafter "Licensee") setting forth a total of seven (7) counts of violation of Mississippi Code Annotated Sections 73-25-29 and 73-25-83. This matter was initially set for hearing on March 11, 2010, but upon request of Licensee, was continued to this date.

On or about April 15, 2010, the Board issued an Amended Affidavit setting forth a total of eleven (11) counts of violation of Mississippi Code Annotated Sections 73-25-29 and 73-25-83. Counts V and IX (Five and Nine) of the Amended Affidavit were voluntarily dismissed by the Board prior to hearing.

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

FINDINGS OF FACT

1. Licensee is a physician licensed to practice medicine in the State of Mississippi, currently holding License No.18789.

2. Licensee's application for initial licensure was received by the Board in June 2004. By letter dated December 8, 2004, the Executive Director of the Board informed Licensee that his application had been processed and was approved subject to the following conditions: (1) that Licensee's practice is limited to Correctional Medical Services only and (2) should Licensee relocate his practice, Licensee must notify the board in writing immediately and obtain Board approval of Licensee's new Mississippi practice location.

3. Licensee acknowledged and accepted the licensure conditions or restrictions set forth by the Board. By handwritten letter dated December 13, 2004, Licensee acknowledged receipt of the Board's December 8, 2004, letter and expressly accepted the conditions and terms for licensure set forth by the Board.

4. From approximately February 2005 until February 2007, Licensee worked for Correctional Medicine Services (CMS) and/or Wexford Correctional Medicine at Parchman, Mississippi. After leaving CMS and/or Wexford Correctional Medicine in February 2007, Licensee worked in Mississippi at a hospice facility located in Cleveland, Mississippi. On or about May 4, 2007, Licensee renewed his Mississippi medical license for the license period beginning July 1, 2007 and ending June 30, 2008, through the Board's web-based annual renewal of license application. On his on-line renewal application, Licensee did electronically change his practice location address to 548 East Rosemary Road, Cleveland, Mississippi 38732. Licensee did not request or receive Board approval for his change of practice location.

5. That on or about November 2007, Licensee began working in the emergency department of Hardy Wilson Memorial Hospital, in Hazlehurst, Mississippi for Keystone

Healthcare Management. While working for Keystone Healthcare Management during this time, Licensee also worked in the emergency department at Jefferson Davis Community Hospital, in Prentiss, Mississippi. On or about May 4, 2008, Licensee renewed his Mississippi medical license for the license period beginning July 1, 2008 and ending June 30, 2009, by accessing the Board's web-based annual renewal of license application. On his on-line renewal application, Licensee did electronically change his practice location address to Hardy Wilson Memorial Hospital, 233 Magnolia Street, Hazlehurst, Mississippi 39083. Licensee did not request or receive Board approval for his change of practice location.

6. Licensee testified at hearing that he worked for Keystone Healthcare Management at Hardy Wilson Memorial Hospital from November or December 2007, until approximately March 2009. Following Keystone Healthcare Management, Licensee worked for Emergency Staffing Solutions (ESS). While working for ESS, Licensee practiced in the emergency department at Montfort Jones Memorial Hospital at Kosciusko, Mississippi. Licensee practiced in the emergency department at Montfort Jones Memorial Hospital until approximately December 2009.

7. On or about May 3, 2009, Licensee renewed his Mississippi medical license for the license period beginning July 1, 2009 and ending June 30, 2010, by accessing the Board's web-based annual renewal of license application. Although Licensee was no longer working at Hardy Wilson Memorial Hospital at the time, on his on-line renewal application Licensee continued to report his practice location address to be Hardy Wilson Memorial Hospital, 233 Magnolia Street, Hazlehurst, Mississippi 39083. Licensee never informed the Board that he had changed his practice location to Montfort Jones Memorial Hospital nor did Licensee receive Board approval for his change of practice location.

8. Licensee testified at hearing that he failed to notify the Board of his change of practice location or receive Board approval of his change of practice location due to a "lapse of memory" as he "totally forgot" the licensure conditions set forth by the Board.

9. Licensee testified at hearing that he currently works in the emergency department at Winston Medical Center at Louisville, Mississippi.

10. Counts One, Three, Six, and Ten of the Amended Affidavit allege that Licensee engaged in unprofessional conduct likely to deceive, defraud or harm the public as a result of discontinuance of Licensee's practice of medicine at a prison facility within Mississippi and entering into other practice relationships without immediate notice to the Board and approval by the Board, in violation of Miss. Code Ann. Sections 73-25-29(8)(d), and 73-25-83(a). Evidence presented during the course of testimony supported that Licensee ceased working for CMS and/or Wexford Health Sources at Parchman, Mississippi in February 2007. Licensee testified that he was aware of the licensure conditions or restrictions placed on his licensure in 2004, but stated that while he "should have remembered the conditions" he "totally forgot" about the licensure conditions. Licensee acknowledged that he failed to immediately notify the Board in writing of his changes of practice locations and failed to obtain Board approval for those practice location changes as he was required to do.

The Board finds, based upon the foregoing, that the Licensee is guilty of Counts One, Three, Six, and Ten of the Amended Affidavit.

11. Counts Two, Four, Seven and Eleven of the Amended Affidavit allege that Licensee is guilty of violation of an order, stipulation or agreement with the Board, in violation of Miss. Code Ann. Section 73-25-29(13) by virtue of Licensee's failure to immediately notify the Board in writing of Licensee's changes of practice locations and

failure to obtain Board approval for those practice location changes. Licensee fully acknowledged that he was in violation of the terms of the agreement.

The Board finds, based upon the foregoing, that the Licensee is guilty of Counts Two, Four, Seven and Eleven.

12. Count Eight of the Amended Affidavit alleges that Licensee is guilty of unprofessional conduct as a result of making a statement on his annual renewal of license application to the Board which is false at the time Licensee made it, in violation of Miss. Code Ann. Sections 73-25-29(8)(f) and 73-25-83(a). Evidence presented during the course of testimony supported that Licensee ceased working at Hardy Wilson Memorial Hospital in March 2009, at which time Licensee began working for ESS in the emergency department at Montfort Jones Memorial Hospital at Kosciusko, Mississippi. Although Licensee is no longer practicing at Hardy Wilson Memorial Hospital and had been at Montfort Jones Memorial Hospital for approximately two months, on Licensee's May 3, 2009, renewal application for the renewal period beginning July 1, 2009 and ending June 30, 2010, Licensee continued to report his practice location address as Hardy Wilson Memorial Hospital.

The Board finds, based upon the foregoing, that the Licensee is guilty of Count Eight of the Amended Affidavit.

CONCLUSIONS OF LAW

Licensee is guilty of Counts One, Two, Three, Four, Six, Seven, Eight, Ten and Eleven of the Amended Affidavit with Counts Five and Nine having been dismissed by the Board prior to hearing.

Ample evidence was presented to the Board to sustain the charges set forth in Counts One, Three, Six and Ten of the Amended Affidavit. The Board finds that Licensee

engaged in unprofessional conduct likely to deceive, defraud or harm the public, as a result of discontinuance of Licensee's practice of medicine at a prison facility within Mississippi and entering into other practice relationships without providing immediate notice to the Board and obtaining approval of the Board in violation of Mississippi Code Annotated, Sections 73-25-29(8)(d) and 73-25-83(a).

Ample evidence was presented to the Board to sustain the charges set forth in Counts Two, Four, Seven and Eleven of the Amended Affidavit. The Board finds that Licensee violated an order, stipulation or agreement with the Board by virtue of Licensee's failure to immediately notify the Board in writing of Licensee's changes of practice locations and failure to obtain Board approval for those practice locations as required by the licensure conditions set forth in the Board's December 4, 2004, letter to Licensee, in violation of Miss. Code Ann. Section 73-25-29(13).

The Board finds sufficient evidence to support the charges set forth in Count Eight of the Amended Affidavit. The Board finds that Licensee is guilty of unprofessional conduct as a result of making a statement on his annual renewal of license application to the Board which was false at the time Licensee made it, in violation of Miss. Code Ann. Sections 73-25-29(8)(f) and 73-25-83(a).

ORDER

IT IS THEREFORE, ORDERED that the Mississippi State Board of Medical Licensure hereby lifts and removes the requirement that Licensee's medical practice be limited to the CMS and/or Wexford Health Sources at Parchman.

IT IS FURTHER ORDERED that based upon the Findings of Fact and Conclusions of Law enumerated above, that Mississippi Medical License No. 18789, duly issued to Zvi Marom, M.D., should be, and is hereby, immediately suspended for a period of twelve

months pursuant to Section 73-25-29 of the Mississippi Code of 1972, Annotated, as amended.

IT IS FURTHER ORDERED, that Licensee shall have the right but not the obligation to appear at the Board's next Executive Committee Meeting, currently scheduled for July 21, 2010, and request a stay of the remaining portion of Licensee's licensure suspension term.

IT IS FURTHER ORDERED, that Licensee shall reimburse the Board for all costs incurred in relation to the pending matter pursuant to Mississippi Code Annotated, Section 73-25-30. Licensee shall be advised of the total assessment by separate written notification, and shall tender to the Board a certified check or money order made payable to the Mississippi State Board of Medical Licensure on or before forty (40) days from the date the assessment is mailed to Licensee via U.S. Mail.

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 Zvi Marom, M.D., or his Counsel, Honorable Dennis Horn. Because Dr. Marom was informed of this decision following Board deliberations, the Order shall be given immediate effect.

SO ORDERED, this the 20th day of May, 2010.

MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE

BY: Don A. Gibson, M.D.
DON A GIBSON, M.D.
PRESIDENT

JULY 2010

MINUTES
EXECUTIVE COMMITTEE MEETING
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
July 21, 2010

MEMBERS PRESENT:

William S. Mayo, D.O., Oxford, President
S. Randall Easterling, M.D., Vicksburg, Vice President
Virginia M. Crawford, M.D., Hattiesburg, 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
Leslie Ross, Investigations Supervisor
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, July 21, 2010, at 1:00 p.m. in the Executive Conference Room of the Office of the Board located at 1867 Crane Ridge Drive, Jackson, Mississippi.

PRESENTATION BY CHAPMAN SLEDGE, M.D., TO DISCUSS PROGRAM AT CUMBERLAND HEIGHTS, NASHVILLE, TN

Dr. Sledge was not in attendance for the presentation, however, a very informative presentation and background was given by Robert Albury, Jr., JD, LADC, Professionals Program Coordinator for Cumberland Heights and Dr. and Mrs. John McRae, both affiliated with the program.

After a brief discussion, motion was made by Dr. Crawford, seconded by Dr. Easterling, and carried unanimously to approve Cumberland Heights as an approved facility for evaluations and treatment of referrals from Mississippi Professionals Health Program (MPHP).

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PERSONAL APPEARANCE BY JERUSHA D. STEPHENS, LA-C

Dr. Mayo advised that Ms. Stephens is a licensed acupuncturist that is employed by Mon Ami Spa and Laser Center and had been invited to appear before the Executive Committee to discuss concerns with advertising of acupuncture treatment for infertility.

Ms. Stephens joined the meeting without legal counsel but was accompanied by Blake Mitchell, M.D., owner of Mon Ami Spa and Laser Center. Ms. Stephens had executed a written agreement for this informal meeting, a copy of which is attached hereto and incorporated by reference.

Ms. Stephens provided the Executive Committee members with information that she had compiled concerning acupuncture and infertility research. Ms. Stephens advised that all the patients she was treating were referred to her by physicians as requested in the Board's rules and regulations.

After several questions from the Executive Committee members concerning the success rate and the theory behind the process, the Executive Committee advised Ms. Stephens of their concerns that this procedure is certainly pushing the envelope of conventional medicine and stressed their job of protecting the public. The Executive Committee thanked Ms. Stephens and Dr. Mitchell for coming, providing the material, and answering questions.

After further discussion, the Executive Committee unanimously agreed that more research needed to be done before making a decision. The Executive Committee unanimously agreed that Dr. Crawford would contact Randall Hines, M.D., who is with the University of Mississippi Medical Center and specializes in endocrinology and reproduction, to schedule a conference call to address concerns the Executive Committee has in this matter. Dr. Mayo suggested that we advise Ms. Stephens and Dr. Mitchell that out of an abundance of caution that they not practice this method of acupuncture for the next 30-60 days to allow the Board an opportunity to research the matter further with an expert in the field of endocrinology.

PERSONAL APPEARANCE BY NEDRA CLEM JACKSON, M.D., VICKSBURG, APPLICANT

Dr. Mayo advised that Dr. Jackson is an applicant that is currently under a Consent Order with the Louisiana Medical Board concerning sanctions imposed by the US Department of Health and Human Services, Office of the Inspector General. Dr. Mayo advised that the Board sent Dr. Jackson a reportable Consent Order mirroring the actions of her order with Louisiana which she signed and returned. Dr. Mayo stated

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that Dr. Jackson is here today requesting the Board's approval of the Order and to answer any questions concerning the matter that led to Louisiana's Order.

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

Dr. Jackson addressed the Executive Committee and explained that she was in private practice in Louisiana and explained the problems leading up to the Louisiana Consent Order. After several questions from the Executive Committee, Dr. Jackson advised that she has been offered a job in Utica and that is why she applied for a Mississippi medical license. Dr. Jackson was asked to wait in the reception area while the Executive Committee discussed the matter.

Motion was made by Dr. Easterling, seconded by Dr. Crawford, and carried unanimously to accept the Consent Order mirroring the actions taken by Louisiana.

PERSONAL APPEARANCE BY COLEMAN HENLEY, JR., M.D., BUFFALO, NY, APPLICANT

Dr. Mayo advised that Dr. Henley had been invited to appear at the Executive Committee meeting to discuss his application for permanent licensure and specifically the number of malpractice claims filed against him. Stan Ingram, Complaint Counsel for the Board, advised that there are no statutory grounds to deny Dr. Henley a license, but if the Board elects to do so can request that he submit for a competency or spex examination.

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

Dr. Mayo introduced Dr. Henley and thanked him for appearing. Dr. Mayo asked Dr. Henley to explain the malpractice cases that were filed against him and to advise where he plans to practice in Mississippi. Dr. Henley advised that he had over 15,000 deliveries of babies in over 40 years of practice and that New York is "fertile ground" for malpractice cases and that he was practicing in a high risk area. Dr. Henley advised that it is his intent to practice in the Family Health Center in Laurel, MS. After a brief discussion, Dr. Mayo advised Dr. Henley that the Executive Committee would discuss his request and notify him of the Board's decision within the week.

After further discussion, motion was made by Dr. Easterling, seconded by Dr. Crawford, and carried unanimously to offer Dr. Henley a license with the condition that

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he would sign a reportable Consent Order that would limit his practice to office-based obstetrics and gynecology, with hospital practice expressly prohibited. Also, Dr. Henley will not be allowed to perform any deliveries or surgeries of any kind while working in the State of Mississippi unless authorized in writing by the Board.

PERSONAL APPEARANCE BY JACK B. SEWELL, M.D., SARASOTA, FL, APPLICANT FOR REINSTATEMENT

Dr. Mayo advised that Dr. Sewell was here today to discuss his application for reinstatement of licensure due to a job opportunity he has to provide consultative radiology services with a clinic and hospital in Clarksdale, MS. Dr. Mayo advised that Dr. Sewell has not practiced medicine since relinquishing his Florida medical license in September 2007.

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

Dr. Sewell addressed the Executive Committee and advised that he was here today in an attempt to have his Mississippi medical license reinstated so that he could go to work with his cousin, Patrick Sewell, M.D., to provide consultative radiology services in a clinic and hospital in Clarksdale, MS. Dr. Sewell described what he had previously done and stated that he would not be reading any mammography films, but would limit his readings to plain films, CT's and ultrasounds.

Dr. Mayo thanked Dr. Sewell for appearing before the Executive Committee and advised him that the Board would discuss his request further and contact him as soon as possible.

After further discussion, motion was made by Dr. Crawford, seconded by Dr. Easterling, and carried unanimously to request Dr. Sewell go for a competency evaluation at the Center for Personalized Education for Physicians (CPEP) in Denver, CO., or an equivalent facility approved by the Board's Executive Director. Once the Board receives and reviews the results of the report of competency, Dr. Sewell's request for reinstatement will be revisited.

PERSONAL APPEARANCE BY SANTANU SOM, D.O., PORT GIBSON, MISSISSIPPI MEDICAL LICENSE NUMBER 20149

Stan Ingram, Counsel for the Board, addressed the Executive Committee and advised that Dr. Som and his attorney were here today to discuss what can be done to help Dr. Som get accepted into a post graduate and/or fellowship program to receive

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additional training. Mr. Ingram advised that the intent of the Agreed Order of Continuance that the Board approved on March 11, 2010, placing terms and conditions on his Mississippi license was hindering Dr. Som's request for admission into the required training since it is a requirement to have an unrestricted license to participant in such program.

Dr. Som joined the meeting and was represented by legal counsel, Scott Pintard. Dr. Som had executed a written agreement for this informal meeting, a copy of which is attached hereto and incorporated by reference.

Dr. Som and Mr. Pintard thanked the Executive Committee for allowing them to appear and to explain the problems that Dr. Som is having trying to get accepted into a program with any disciplinary actions or restrictions on his Mississippi medical license.

After a brief discussion, motion was made by Dr. Easterling, seconded by Dr. Crawford, and carried unanimously to issue an Order of Dismissal Without Prejudice so as to permit Dr. Som to seek licensure and entry into a post graduate training program. Dr. Som also agreed to sign a non-reportable letter of agreement with the Board that allowed the dismissal based on Dr. Som's immediate steps to secure license and entry into a post graduate training program at Hurley Medical Center in Michigan, as well as Dr. Som agreeing to appear before the Executive Committee upon successful completion of the program. Also, Dr. Som will agree not to perform any intra-abdominal surgical procedures until completion and appearance before the Executive Committee.

PERSONAL APPEARANCE BY HILDON H. SESSUMS, JR., M.D., VICKSBURG, MISSISSIPPI MEDICAL LICENSE NUMBER 09182

Dr. Mayo advised that Dr. Sessums had been invited to appear at the Executive Committee to discuss issues the Board has concerning his collaboration with an Advanced Practice Registered Nurse (APRN) and his failure to supply the Board with documentation of quarterly quality assurance meetings held as per the Board's rules and regulations.

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

After a brief discussion and several questions from the Executive Committee, a motion was made by Dr. Crawford, seconded by Dr. Easterling, and carried unanimously to advise Dr. Sessums that he should not collaborate with any APRN for a period of six (6) months and then appear before the Executive Committee for consideration of any changes to this decision. Also, it was added to the motion to write

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the Board of Nursing a letter advising them that it appears that the APRN has been practicing without a collaborative physician since July 13, 2010, and to send a copy of said letter to the Division of Medicare and the Division of Medicaid.

PERSONAL APPEARANCE BY ZVI MAROM, M.D., HAZLEHURST, MISSISSIPPI MEDICAL LICENSE NUMBER 18789

Dr. Mayo advised that Dr. Marom had appeared before the Board at the May 20, 2010, meeting where he was issued a Consent Order indefinitely suspending his Mississippi medical license for a period of twelve (12) months, with the right to petition the Board after two (2) months for a stay of the remaining ten (10) months left to serve. Dr. Mayo stated that Dr. Marom and his attorney were here today to request a stay of the remaining time left on the Consent Order.

Dr. Marom joined the meeting and was represented by legal counsel, Dennis Horn. Dr. Marom had executed a written agreement for this informal meeting, a copy of which is attached and incorporated by reference.

Dr. Marom and his attorney addressed the Board and provided a letter from Michael Henry, M.D., Director of the Emergency Room at Winston Medical Center (WMC) in Louisville, MS., stating that Dr. Marom will be allowed to return to work at WMC as soon as his license are reinstated. Dr. Marom requested that the Executive Committee stay the remaining time on his suspension to allow him to return to practice.

After discussion, motion was made by Dr. Crawford, seconded by Dr. Easterling, with Dr. Mayo voting nay to stay Dr. Marom's suspension for the remaining ten (10) months.

LETTER FROM RODERICK L. MATTICKS, M.D., PEORIA, IL, APPLICANT

Dr. Mayo advised that Dr. Matticks is an applicant that was discussed at the May 19, 2010, Executive Committee meeting. Dr. Mayo advised that at that time the decision of the Executive Committee was to offer Dr. Matticks a Mississippi medical license if he would agree to sign a reportable Consent Order that limited his practice in Mississippi to a correctional institution. Dr. Mayo advised that the Board had received a letter from Dr. Matticks questioning the restriction and supplying additional information indicating he holds unrestricted licenses in thirteen (13) states at the current time.

After a brief discussion and a review of Dr. Matticks application, motion was made by Dr. Easterling, seconded by Dr. Crawford, and carried unanimously to grant Dr. Matticks an unrestricted license to practice medicine in the State of Mississippi.

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RODERICK GRAY NEWELL, M.D., GULFPORT, MISSISSIPPI MEDICAL LICENSE NUMBER 10810, CONSENT ORDER

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

Dr. Mayo asked Thomas Washington, Bureau Director, Investigations, to explain the facts surrounding the Consent Order that Dr. Newell had signed and was requesting the Board's approval. Mr. Washington explained the facts and stated that the Consent Order proposed would indefinitely suspend Dr. Newell's license, with the suspension stayed after six (6) months, if Dr. Newell petitioned the Board and had followed the terms and conditions set forth in his Order.

After a brief discussion, motion was made by Dr. Easterling, seconded by Dr. Crawford, and carried unanimously to approve the Consent Order. A copy of the Consent Order is attached hereto and incorporated by reference.

LETTER FROM MISSISSIPPI PROFESSIONALS HEALTH PROGRAM REQUESTING BOARD'S APPROVAL TO ADD BEHAVIORAL MEDICINE INSTITUTE (BMI) OF ATLANTA AS AN APPROVED FACILITY TO ADDRESS PROFESSIONAL SEXUAL MISCONDUCT

Dr. Mayo advised that the Board had received a request from George Wilkerson, M.D., Medical Director of Mississippi Professionals Health Program (MPHP) to add the Behavioral Medicine Institute (BMI) of Atlanta, GA., as an approved facility to address professional sexual misconduct to the Board's approval list.

Motion was made by Dr. Crawford, seconded by Dr. Easterling, and carried unanimously to approve the request to add BMI as an approved facility to address professional sexual misconduct referrals.

DISCUSS TERM OF BOARD OFFICERS

Dr. Mayo briefly discussed that the term of Board officers was not discussed when the newly elected officers were approved. After a brief discussion, the Executive Committee agreed that the term of officers will be for two (2) years unless otherwise discussed.

LETTER CONCERNING WAIVERS FOR THE NUMBER OF BACK-UP PHYSICIANS FOR PHYSICIAN ASSISTANTS

Dr. Mayo briefly discussed letters received from Southern Bone & Joint Specialists and Southern Heart Center concerning waivers to the Board's rules and

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regulations concerning the number of back-up physicians for physician assistants.

After a brief discussion, motion was made by Dr. Crawford, seconded by Dr. Easterling, and carried unanimously to invite both groups to attend the September Executive Committee to discuss this matter.

LETTER RECEIVED FROM THE BOARD OF NURSING CONCERNING REGULATION OF LAY MIDWIVES

Dr. Mayo briefly discussed a letter received from the Board of Nursing concerning regulation of lay midwives.

After a brief discussion, the Executive Committee unanimously agreed that the Board should support Mississippi State Medical Association and other interested parties in asking the legislature to do away with lay midwives. There needs to be a coalition of health care professionals formed to go to the legislature and express the concerns of quality of care issues the medical community has with midwifery and ask for their support in doing away with the practice of lay midwifery.

OTHER BUSINESS

Dr. Crawford advised that the Board of Nursing is planning on opening the Nurse Practice Act and request that the position of a member of the Medical Licensure Board on their Board be eliminated since the majority of their hearings involve LPN's and RN's and not APRN's.

There was a brief discussion concerning the Board's rules and regulations and the use of lasers. Microdermabrasion and juvederm treatments have not been approved by the Board. Also, it was reiterated that lasers are approved as long as there is direct supervision by a physician when performed by someone other than the physician.

MARK STRONG, M.D., OXFORD, MISSISSIPPI MEDICAL LICENSE NUMBER 18009

Dr. Mayo advised that the Board had received certification of Dr. Strong's completion of a boundary course taken at Vanderbilt.

After a brief discussion, the Executive Committee unanimously agreed to invite Dr. Strong to the September Executive Meeting to discuss concerns the Board has with the lapse in time for him to schedule the courses and to explain to him what the Examining Committee does for the Board and how the decisions of both are reviewed.

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REVIEW OF JULY 22, 2010, BOARD AGENDA

Dr. Mayo briefly reviewed the agenda for tomorrow's meeting.

ADJOURNMENT

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



WILLIAM S. MAYO, D.O.
PRESIDENT

Minutes taken and transcribed
by Sherry Harris
Staff Officer
July 21, 2010

AGREEMENT TO APPEAR INFORMALLY BEFORE EXECUTIVE COMMITTEE

I, Jerusha D. Stephens, LAc. , 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 21st day of July, 2010

Jerusha Stephens

Witness:

Sherry Harris

AGREEMENT TO APPEAR INFORMALLY BEFORE EXECUTIVE COMMITTEE

I, Nedra Clem Jackson, 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 21 day of July, 2010.

Nedra Clem Jackson, M.D.

Witness:

Sherry Harris

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

NEDRA CLEM JACKSON, M.D.

CONSENT ORDER

WHEREAS, Nedra Clem Jackson, M.D., hereinafter referred to as "Applicant," has been practicing medicine in the state of Louisiana and has personally appeared before the Louisiana State Board of Medical Examiners; and

WHEREAS, on February 8, 2009, Applicant entered into a reportable public record Consent Order agreeing to certain terms and conditions as a prerequisite for probationary/limited licensure in the state of Louisiana; and

WHEREAS, pursuant to Subsections (8)(d), (9) and (11) of Section 73-25-29, Mississippi Code (1972), Annotated, the aforementioned Consent Order constitutes unprofessional conduct, having restrictions placed on her license in another jurisdiction, and sanctions imposed by the US Department of Health and Human Services, Office of the Inspector General, grounds for which the Mississippi State Board of Medical Licensure may deny a Mississippi medical license of an applicant, issue a restricted license, the terms of which may be set by the Board, or take any other action in relation to the issuance of a license as the Board may deem proper under the circumstances; and

WHEREAS, it is the desire of the Applicant to obtain a license to practice medicine in the state of Mississippi; Applicant agrees to the following probationary terms and conditions for an indefinite period of time:

1. Applicant shall personally appear before the Executive Committee of the Board to consider her compliance with the terms of this Order and to advise the Committee of her intentions with respect to her practice of medicine in the state of Mississippi.
2. Applicant shall only engage in the practice of medicine in one or more practice settings that are approved in advance by the Board.
3. Applicant shall obtain not less than fifty (50) category 1 CME per year for each year that this Order remains in effect. By June 30 of each year, Applicant shall cause to be submitted to the Board written certification of the category 1 CME hours completed during the preceding twelve (12) months.
4. Applicant shall remain in compliance with terms and conditions as set forth in the Louisiana State Board of Medical Examiners' February 8, 2009, Consent Order.

In the event Applicant fails to comply with or violates any or all 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.

Applicant shall have the right to petition the Mississippi State Board of Medical Licensure for a release of any or all of the above enumerated conditions after expiration of one (1) year from

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

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

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

Recognizing her right to notice of charges specified against her, to have such charges adjudicated pursuant to Mississippi Code Annotated, Section 73-25-1 (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, Nedra Clem Jackson, M.D., nonetheless, hereby waives her right to notice and a formal adjudication of charges and authorizes the Board to enter an order accepting this Consent Order, thereby issuing to her a license to practice medicine in the state of Mississippi subject to conditions enumerated above.

Signed this the 22nd day of June, 2010.

Deborah A Brooks
WITNESS



Nedra Clem Jackson, M.D.
NEDRA CLEM JACKSON, M.D.

ACCEPTED AND APPROVED, this the 22 day of July, 2010, by the Mississippi State Board of Medical Licensure.

William J. Magdo
PRESIDENT

AGREEMENT TO APPEAR INFORMALLY BEFORE EXECUTIVE COMMITTEE

I, Jack B. Sewell, 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:

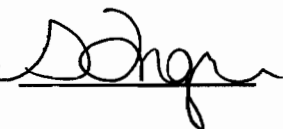
1. During the meeting, the Executive Committee may or may not be represented by legal counsel. Notwithstanding, I understand that I have a right, if I so choose, to employ legal counsel and have counsel present during the informal meeting.
2. I authorize the Committee Members to review and examine any 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 26 day of July, 2010.

Witness: _____



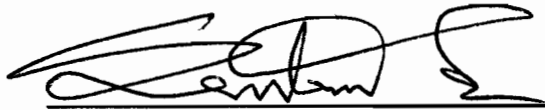
AGREEMENT TO APPEAR INFORMALLY BEFORE EXECUTIVE COMMITTEE

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

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

with legal counsel present (name of counsel: Graham/Pintard)
 without legal counsel present

EXECUTED, this the 20 day of July, 2010.



Witness:



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

OF

SANTANU SOM, D.O.

ORDER OF DISMISSAL WITHOUT PREJUDICE

The current Summons and Affidavit dated December 15, 2009, issued by the Mississippi State Board of Medical Licensure charging Santanu Som, D.O. ("Licensee") with violation of the Mississippi Medical Practice Act, including any conditions set forth in that certain Agreed Order of Continuance dated March 11, 2010, are hereby dismissed without prejudice. Dismissal is hereby entered so as to permit Dr. Som to seek licensure and entry into a post graduate training program.

SO ORDERED AND EXECUTED this the 22nd day of July, 2010.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**

BY:



**WILLIAM S. MAYO, D.O.
PRESIDENT**

AGREEMENT TO APPEAR INFORMALLY BEFORE EXECUTIVE COMMITTEE

I, Hildon H. Sessums, 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 21 day of July, 2010.

Hildon H. Sessums, Jr.

Witness:

Sherry Harris

AGREEMENT TO APPEAR INFORMALLY BEFORE EXECUTIVE COMMITTEE

I, Zvi Marom, 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: Dennis L. Horn)

without legal counsel present

EXECUTED, this the 21st day of July, 2010.

Zvi Marom

Witness:

DK Horn

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE IN

THE MATTER OF THE PHYSICIANS'S LICENSE

OF

ZVI MAROM, M.D.

ORDER REMOVING ALL RESTRICTIONS

THIS MATTER came on regularly for consideration on July 21, 2010 before the Executive Committee of the Mississippi State Board of Medical Licensure, in response to the request of Zvi Marom, M.D. (hereinafter "Licensee") seeking stay of the suspension of his Mississippi medical license by virtue of that certain Order dated May 20, 2010. The Board, after hearing said request, finds the same to be well-taken.

IT IS HEREBY ORDERED, that Licensee's request for stay of licensure suspension is hereby granted. Licensee is now authorized to return to the practice of medicine in the State of Mississippi, subject to Licensee's obligation to reimburse the Board as provided for in the May 20, 2010 Order.

IT IS FURTHER ORDERED, that pursuant to MS Code Annotated Sections §73-25-27 and §73-25-32 (1972), a copy of this Order shall be sent by registered mail or personally served upon Zvi Marom, M.D.

ORDERED, this the 22nd day of July, 2010.

Mississippi State Board of Medical Licensure



**William S. Mayo, D.O.
President**

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

RODERICK GRAY NEWELL, M.D.

CONSENT ORDER

WHEREAS, Roderick Gray Newell, M.D., hereinafter referred to as "Licensee," is the current holder of License No. 10810 for the practice of medicine in the State of Mississippi;

WHEREAS, the Investigative Staff of the Mississippi State Board of Medical Licensure has conducted a comprehensive investigation into the medical practice of Licensee and has documented evidence indicating that Licensee has committed ethical violations in regards to the use of prescription medication, and is guilty of unprofessional conduct likely to deceive, defraud or harm the public;

WHEREAS, Licensee was found by law enforcement officers of the Long Beach, Mississippi, Police Department passed out in the driver's seat of his car on June 12, 2010. A subsequent search of Licensee's car and home by the law enforcement officers yielded prescription drugs and the hallucinogenic drug Lysergic acid diethylamide (LSD);

WHEREAS, Licensee has been arrested and charged by the Long Beach Police Department with felony Possession of a controlled substance to wit; Lysergic acid diethylamide (LSD) MS Code Ann., Section 41-29-139; and misdemeanor Possession of a controlled substance to wit; Alprazolam, misdemeanor Possession of a controlled substance to wit; Benzphetamine, misdemeanor Possession of a controlled substance to wit; Lunesta, and misdemeanor Possession a controlled substance to wit; one Marijuana cigarette;

WHEREAS, such conduct is in violation of the Mississippi Medical Practice Act, specifically MS Code Ann., 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 as the Board may deem proper under the circumstances;

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

NOW, THEREFORE, the Mississippi State Board of Medical Licensure, with the consent of Licensee as signified by his joinder herein, does hereby indefinitely suspend Licensee's Certificate (No. 10810) to practice medicine in the State of Mississippi, with the approval of the Board, the suspension will be stayed after six (6) months subject to the following probationary terms and conditions;

1. Licensee shall submit to and complete a comprehensive evaluation conducted by the Mississippi Professionals Health Program (MPHP), under the direction of MPHP's Medical Director. Licensee shall bear all costs of said evaluation. Licensee will execute such releases so as to authorize MPHP to provide to the Board a complete report of said evaluation, and likewise allow the Board to provide to the evaluators any and all information concerning investigation of Licensee's medical practice.
2. Licensee shall immediately obtain affiliation with MPHP. Licensee shall comply with all affiliation requirements of MPHP, its Medical Director or the Mississippi Professionals Health Committee (MPHC). Licensee hereby

authorizes the Board, its Director or Investigative Staff to contact and communicate with MPHP, MPHC, or any agent or representative of said organizations as to all aspects of his affiliation and/or recovery. Reciprocally, Licensee hereby authorizes MPHP and MPHC, its agents, representatives or employees to communicate with the Board as to all aspects of his affiliation and/or recovery.

3. After completion of the evaluation and any recommended remedial training, Licensee has the option, but not the obligation, to petition the Board for authorization to return to the practice of medicine in the State of Mississippi. Notwithstanding, Licensee shall not practice in the State of Mississippi under any circumstances until such time as Licensee has appeared before the Board and gained approval of a written Plan of Practice. The Board reserves the right to incorporate into the Plan of Practice any and all restrictions deemed necessary to protect the public, including, but not limited to continuing medical education, and periodic surveillance.
4. Licensee shall surrender all privileges to handle and prescribe controlled substances in Schedules II, IIN, III, IIIN, IV and V, or any drug hereafter placed in said Schedules. As a result, Licensee shall not be permitted to order, manufacture, distribute, possess, dispense, administer or prescribe any controlled substances in said Schedules until such time as he is again properly registered with the U.S. Drug Enforcement Administration with prior written approval from the Mississippi State Board of Medical Licensure. Licensee shall execute such forms and documents required by the U.S. Drug Enforcement

Administration to accomplish surrender of his controlled substances privileges in the above enumerated Schedules.

5. Licensee shall be authorized to utilize the Uniform Controlled Substances Registration Certificate of any licensed hospital in the State of Mississippi. Licensee shall be limited to ordering controlled substances in said Schedules which are to be dispensed or administered to patients that have been admitted as in-patients to said hospital in the State of Mississippi. Licensee shall not be authorized to personally administer or dispense any drug having addiction-forming or addiction-sustaining liability to any patient.
6. Licensee's use of the medications Ultram (Tramadol HCL), Nubain (Nalbuphine), Dalgan (Dezocine), Soma (Carisoprodol) or Butalbital products shall be limited to ordering or administering to patients that have been admitted as in-patient to a licensed hospital in the State of Mississippi. This prohibits the issuing of prescriptions on an out-patient basis in any manner for any of the above referenced substances to any patients.
7. Licensee shall successfully complete the course entitled, "Physician Education Program in Clinical, Legal and Ethical Issues in Prescribing Abusable Drugs," sponsored by the University of South Florida, or a course of equivalent content and duration approved by the Board. Following completion of said course, Licensee shall submit to the Board documented proof of successful completion.
8. Within one (1) year of acceptance of this Consent Order, Licensee shall obtain forty (40) hours of Continuing Medical Education (CME) approved by the American Medical Association in the area of Family Medicine with emphasis

on the use of controlled substances. Following the completion of each course, licensee shall submit to the Board documentary proof of successful completion.

9. Licensee shall reimburse the Board for all costs incurred in relation to the pending matter pursuant to Mississippi Code Ann. §73-25-30. Licensee shall be advised of the total assessment by separate written notification, and shall tender to the Board a certified check or money order within forty (40) days from the date the assessment is mailed to Licensee.
10. 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 violation of the law, including violations arising out of conduct by Licensee as enumerated in this Consent Order, the Board reserve the right to initiate further disciplinary proceedings based upon said guilty plea or criminal conviction.

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

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

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

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, Roderick Gray Newell, M.D., nonetheless, hereby waives his right to notice and a formal adjudication of charges and authorizes the Board to enter an order accepting this Consent Order, thereby placing the above enumerated conditions/restrictions on his license to practice medicine in the State of Mississippi.

Executed this the 28th day of June, 2010.

Roderick Gray Newell
Witness

Roderick Gray Newell
Roderick Gray Newell, M.D.

ACCEPTED AND APPROVED, this the 22 day of July, 2010,
by the Mississippi State Board Of Medical Licensure.

William J. McGehee
President
Mississippi State Board Of
Medical Licensure

BOARD

MEETING

MINUTES

BOARD MINUTES
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
JULY 22, 2010

The regularly scheduled meeting of the Mississippi State Board of Medical Licensure was held on Thursday, July 22, 2010, in the Board Room of the Office of the Board located at 1867 Crane Ridge Drive, Jackson, Mississippi.

The following members were present:

William S. Mayo, D.O., Oxford, President
S. Randall Easterling, M.D., Vicksburg, Vice President
Virginia M. Crawford, M.D., Hattiesburg, Secretary
Larry B. Aycock, M.D., McComb
William B. Jones, M.D., Greenwood
Philip T. Merideth, M.D., J.D., Jackson
Charles D. Miles, M.D., West Point

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
Wesley Breland, Hattiesburg, Consumer Health Committee
Charles Thomas, Yazoo City, Consumer Health Committee

The meeting was called to order at 9:00 a.m. by Dr. Mayo, President. The invocation was given by Dr. Aycock and the pledge was led by Mr. Burnham. Dr. Mayo welcomed the Court Reporter, Harvey Rayborn, and extended a welcome to all visitors present at the meeting.

Dr. Mayo opened the floor for public comments but there were none.

BOARD MINUTES

July 22, 2010

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OATH OF OFFICE - CHARLES D. MILES

Charles D. Miles, M.D., West Point was administered the Oath of Office by the Court Report, Harvey Rayborn. A copy of the Oath of Office is attached hereto and incorporated by reference.

Dr. Miles was appointed to represent the Third Supreme Court District for a six (6) year term ending June 01, 2016.

Dr. Mayo welcomed Dr. Miles to the Board and presented him with an engraved notebook and a lapel pin.

APPROVAL OF CERTIFICATION OF MISSISSIPPI LICENSES TO OTHER ENTITIES FOR THE PERIOD MAY 01, 2010, THROUGH JUNE 30, 2010

One hundred eighty-eight (188) licenses were certified to other entities for the period May 01, 2010, through June 30, 2010. Motion was made by Dr. Easterling, seconded by Dr. Crawford, and carried unanimously to approve these certifications.

APPROVAL OF LICENSES ISSUED FOR THE PERIOD MAY 01, 2010, THROUGH JUNE 30, 2010

One hundred seven (107) licenses were issued for the period May 01, 2010, through June 30, 2010. Motion was made by Dr. Easterling, seconded by Dr. Crawford, and carried unanimously to approve these licenses.

REVIEW OF MINUTES OF THE EXECUTIVE COMMITTEE MEETING DATED MAY 19, 2010, AND MINUTES OF THE BOARD MEETING DATED MAY 20, 2010

Minutes of the Executive Committee meeting dated May 19, 2010, and Minutes of the Board Meeting dated May 20, 2010, were reviewed. Dr. Aycok moved for approval of the minutes as submitted. Dr. Jones seconded the motion, and it carried unanimously.

REPORT OF JULY 21, 2010, EXECUTIVE COMMITTEE MEETING

Dr. Mayo briefly discussed issues that were approved by the Executive Committee on July 21, 2010. Information pertaining to the Executive Committee's decisions is included in the Executive Committee Minutes dated July 21, 2010.

Motion was made by Dr. Merideth, seconded by Dr. Jones, and carried unanimously to ratify all the issues/actions approved and reported by the Executive

BOARD MINUTES

July 22, 2010

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Committee on July 21, 2010.

REPORTS FROM COMMITTEES

Dr. Mayo advised that he was looking into restructuring some of the Committees but wanted to add Dr. Jones to the Education and Workforce Committee and Dr. Miles to the Rules, Regulation & Legislative Committee.

Consumer Health - Mr. Breland (Chair), Mr. Burnham, Mr. Thomas

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

Education & Workforce - Dr. Mayo, Dr. Jones

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

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

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

Professional Health Program - Dr. Mayo, Dr. Merideth

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

Rules, Regulation & Legislative - Dr. Easterling (Chair), Dr. Jones, Dr. Miles

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

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

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.

PRESENTATION BY ALAN PEEPLES, M.D., WITH MISSISSIPPI HEALTH PARTNERS

Dr. Mayo introduced and welcomed Dr. Alan Peeples, Director, Jim Fuzy, President and CEO, and Scott Dean, Vice President of Corporate Development, all with Mississippi Health Partners.

BOARD MINUTES

July 22, 2010

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Dr. Peeples thanked the Board for allowing them the opportunity to present their product. Dr. Peeples, Mr. Fuzy, and Mr. Dean gave an informative presentation and answered questions from Board members. Dr. Peeples noted that electronic exchange of patient health information is a functionality required for physicians to obtain new government stimulus funding and that their technology, MHPConnect, will serve as an aid in meeting the meaningful use requirements for funding. Dr. Peeples advised that the website visit is not for emergency matters or same day visits, and is only for use between a physician and a well-established patient, not an individual seeking medical attention that is not an established patient.

After answering questions from the Board, Dr. Mayo thanked the group for their time and informative information.

REQUEST FROM SANTE' CENTER FOR HEALING TO BE ADDED TO THE BOARD'S APPROVED CME LIST

Dr. Mayo advised that the Board had received a request from Sante' Center for Healing to have two (2) courses added to the Board's approved CME list. Dr. Mayo advised that one course is on Maintaining Proper Boundaries and the other course is on Prescribing Controlled Substances. George Wilkerson, M.D., Executive Director of Mississippi Professionals Health Program (MPHP), was present at today's meeting and Dr. Mayo asked Dr. Wilkerson if he had any comments concerning the request. Dr. Wilkerson advised that he would strongly recommend adding the courses as he feels that Sante' has an excellent program.

Motion was made by Dr. Easterling, seconded by Dr. Aycock, and carried unanimously to approve Sante's request to have the requested CME courses added to the Board's approved CME list.

PERSONAL APPEARANCE BY EDWARD J. O'BRIEN, SR., M.D., NEW ORLEANS, MISSISSIPPI MEDICAL LICENSE NUMBER 07040, CONSENT ORDER

Mr. Ingram, Complaint Counsel for the Board, addressed the Board and advised that Dr. O'Brien was present but was without legal counsel. Mr. Ingram advised that Dr. O'Brien was here to request the Board's approval of the Consent Order that he has signed and is accepting to avoid a hearing as well as respond to any questions the Board may have concerning the Consent Order. Dr. O'Brien was questioned regarding legal counsel and stated that he wanted to waive his right to an attorney and proceed without legal counsel.

BOARD MINUTES

July 22, 2010

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Mr. Ingram briefly summarized Dr. O'Brien's history with the Board.

After a brief discussion, motion was made by Dr. Merideth, seconded by Dr. Jones, and carried unanimously that the Board enter into Executive Session to discuss the terms of disciplinary action.

Upon a motion by Dr. Easterling, seconded by Dr. Miles, and carried unanimously that Board came out of Executive Session at which time Dr. Mayo asked Dr. Crawford to report on the Board's decision. Dr. Crawford advised in a six (6) vote for and one (1) abstaining, the Board approves the Consent Order for Dr. Edward J. O'Brien. A copy of the Order is attached hereto and incorporated by reference.

DR. JONES EXITED THE MEETING AT 10:15 A.M.

**PERSONAL APPEARANCE BY EDWIN G. EGGER, SR., M.D., GREENVILLE,
MISSISSIPPI MEDICAL LICENSE NUMBER 06402, CONSENT ORDER**

Mr. Ingram, Complaint Counsel for the Board, addressed the Board and advised that Dr. Egger was present but was without legal counsel. Mr. Ingram advised that Dr. Egger was here to request the Board's approval of the Consent Order that he has signed and is accepting to avoid a hearing as well as respond to any questions the Board may have concerning the Consent Order. Mr. Ingram briefly summarized the facts concerning Dr. Egger's history with the Board as well as explaining the terms of the Consent Order.

Dr. Egger advised that he had nothing additional to add to Mr. Ingram's explanation.

Motion was made by Dr. Easterling, seconded by Dr. Miles, and carried unanimously to approve Dr. Egger's Consent Order. A copy of the Order of the Board is attached hereto and incorporated by reference.

DR. JONES RETURNS TO THE MEETING AT 10:20 A.M.

**HEARING IN THE CASE OF ANDREW JAMES PETERSON, D.O., KEESLER AFB,
MISSISSIPPI MEDICAL LICENSE NUMBER 20037**

Mr. Ingram, Complaint Counsel for the Board, addressed the Board and advised that neither Dr. Peterson nor his attorney were present today. Mr. Ingram advised Dr. Peterson had been served a Summons and Affidavit to appear but had requested a Motion for Continuance.

BOARD MINUTES

July 22, 2010

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After a brief discussion, motion was made by Dr. Crawford, seconded by Dr. Merideth, and carried unanimously to grant Dr. Peterson a continuance until the September Board meeting.

A copy of the Order of Continuance is attached hereto and incorporated by reference.

HEARING IN THE CASE OF ROBERT S. CORKERN, M.D., BATESVILLE, MISSISSIPPI MEDICAL LICENSE NUMBER 12101

Mr. Ingram, Complaint Counsel for the Board, addressed the Board and advised that Dr. Corkern's appearance was two fold in that he was requesting that the Board consider removal of restrictions on his license and that the Board had served Dr. Corkern a Summons and Affidavit to appear today.

Mr. Ingram advised that Dr. Corkern was here today without legal counsel. Ellen O'Neal, Assistant Attorney General, questioned Dr. Corkern regarding legal representation and Dr. Corkern stated that he wanted to waive his right to an attorney and proceed without legal counsel.

Mr. Ingram briefly summarized Dr. Corkern's background and entered exhibits into the record.

Dr. Corkern was called to the witness stand and was sworn in by the court reporter. Dr. Corkern addressed the Board and stated that he hurriedly read and signed his current Consent Order without fully understanding all the terms. After answering questions from the Board, Mr. Ingram cross-examined Dr. Corkern and placed another exhibit into the record.

Upon a motion by Dr. Easterling, seconded by Dr. Jones, and carried unanimously the Board went into Executive Session to discuss the matter and Dr. Corkern's request.

Upon a motion by Dr. Easterling, seconded by Dr. Jones, and carried unanimously the Board came out of Executive Session at which time Dr. Mayo asked Dr. Crawford to report on the Board's decision. Dr. Crawford advised that the Board had voted on three (3) motions: 1) To deny Dr. Corkern's request to lift restrictions on his Consent Order; 2) Because Consent Order violations occurred, Dr. Corkern is prohibited from petitioning the Board to lift the restrictions of the Consent Order for a minimum of twelve (12) months; and 3) Dr. Corkern was instructed to remove the DEA number from his prescription pads by redaction or printing new pads. A copy of the Board's order is attached hereto and incorporated by reference.

BOARD MINUTES

July 22, 2010

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A verbatim account of this proceeding was recorded by Harvey Rayborn, Court Reporter.

LETTER RECEIVED FROM THE FEDERATION OF STATE MEDICAL BOARDS

For informational purposes only, Dr. Mayo advised that the Board had received a letter from the Federation of State Medical Boards advising that Randal Manning, MBA, is the Board's liaison director.

LETTER RECEIVED FROM GEORGE WILKERSON, M.D., MEDICAL DIRECTOR, MISSISSIPPI PROFESSIONALS HEALTH PROGRAM

Dr. Mayo advised that the Board had received a letter from Dr. Wilkerson, Medical Director, Mississippi Professionals Health Program (MPHP), and that Dr. Wilkerson was present today to comment and discuss the matter.

Dr. Wilkerson stated that he wanted the Board to be aware of some concerns and ask for the Board's assistance. After a brief discussion, motion was made by Dr. Easterling, seconded by Dr. Crawford, and carried unanimously to request that the Professionals Health Program Committee explore the feasibility and ways that the Board could assist MPHP in meeting their goals.

APPROVAL OF ILLEGAL PRACTITIONER LISTS

Dr. Mayo briefly discussed the list of physicians and physician assistants that had not renewed their medical license by the expiration of June 30, 2010. Motion was made by Dr. Merideth, seconded by Dr. Crawford, and carried unanimously to submit the list to the Attorney General's office.

ADJOURNMENT

There being no further business, the meeting adjourned at 11:55 a.m., with the next scheduled meeting for Thursday, September 16, 2010.


William S. Mayo, D.O.
President

Minutes taken and transcribed
by Sherry Harris
Staff Officer
July 22, 2010

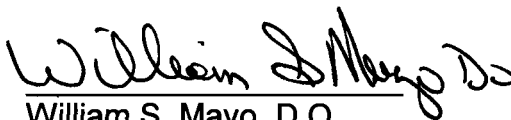
**EXECUTIVE SESSION
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
JULY 22, 2010**

AGENDA ITEM: XIII. Personal appearance by Edward J. O'Brien, Sr., M.D.

In a motion made by Dr. Aycock, seconded by Dr. Jones, in a vote of six (6) for and one (1) abstaining, the Board voted to approve the Consent Order for Dr. Edward J. O'Brien, Sr., M.D., that suspends his license to practice medicine in the State of Mississippi for an indefinite period of time and staying the suspension, subject to certain probationary terms and conditions to run for a period of ten (10) years.

<u>VOTE:</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Larry B. Aycock, M.D.	X			
Virginia M. Crawford, M.D.	X			
S. Randall Easterling, M.D.	X			
William B. Jones, M.D.	X			
William S. Mayo, D.O.	X			
Philip T. Merideth, M.D., J.D.				X
Charles D. Miles, M.D.	X			

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



William S. Mayo, D.O.
President

**EXECUTIVE SESSION
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
JULY 22, 2010**

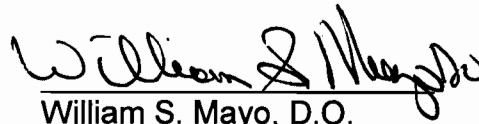
AGENDA ITEM: XVI. Hearing in the case of Robert S. Corkern, M.D.

****** 3 MOTIONS MADE ******

MOTION #1:

In a motion made by Dr. Easterling, seconded by Dr. Jones, in a vote of six (6) for and one (1) against, the Board voted to deny the request to lift restrictions on Dr. Corkern's Consent Agreement.

<u>VOTE:</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Larry B. Aycock, M.D.		X		
Virginia M. Crawford, M.D.	X			
S. Randall Easterling, M.D.	X			
William B. Jones, M.D.	X			
William S. Mayo, D.O.	X			
Philip T. Merideth, M.D., J.D.	X			
Charles D. Miles, M.D.	X			


William S. Mayo, D.O.
President

**EXECUTIVE SESSION
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
JULY 22, 2010**

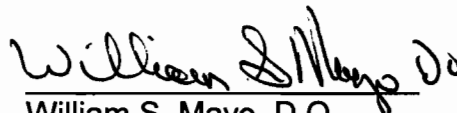
AGENDA ITEM: XVI. Hearing in the case of Robert S. Corkern, M.D.

****** 3 MOTIONS MADE ******

MOTION #2:

In a motion made by Dr. Easterling, seconded by Dr. Jones, in a vote of six (6) for and one (1) abstaining, the Board voted that because Consent Order violations occurred, that Dr. Corkern be prohibited from petitioning for the lifting of restrictions of his Consent Order for a minimum of twelve (12) months.

<u>VOTE:</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Larry B. Aycock, M.D.				X
Virginia M. Crawford, M.D.	X			
S. Randall Easterling, M.D.	X			
William B. Jones, M.D.	X			
William S. Mayo, D.O.	X			
Philip T. Merideth, M.D., J.D.	X			
Charles D. Miles, M.D.	X			


William S. Mayo, D.O.
President

**EXECUTIVE SESSION
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
JULY 22, 2010**

AGENDA ITEM: XVI. Hearing in the case of Robert S. Corkern, M.D.

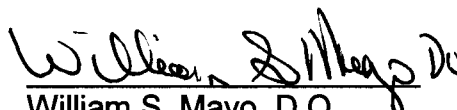
****** 3 MOTIONS MADE ******

MOTION #3:

In a motion made by Dr. Jones, seconded by Dr. Easterling, in a vote of five (5) for and two (2) against, the Board voted that Dr. Corkern be instructed to remove the DEA number from his prescriptions by redaction or printing new pads.

<u>VOTE:</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Larry B. Aycock, M.D.		X		
Virginia M. Crawford, M.D.		X		
S. Randall Easterling, M.D.	X			
William B. Jones, M.D.	X			
William S. Mayo, D.O.	X			
Philip T. Merideth, M.D., J.D.	X			
Charles D. Miles, M.D.	X			

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


William S. Mayo, D.O.
President

OATH OF OFFICE

I, Charles Davis Miles, 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

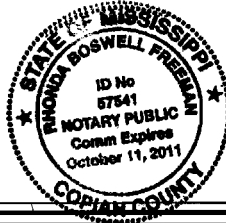
Mississippi, this 22nd day

of July, 192010

Charles D. Miles

By

Shonda B. Freeman



BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF PHYSICIAN'S LICENSE

OF

EDWARD J. O'BRIEN, SR., M.D.

CONSENT ORDER

WHEREAS, Edward J. O'Brien, Sr., M.D., hereinafter referred to as "Licensee" is the current holder of License No. 07040, issued August 8, 1974, for the practice of medicine in the State of Mississippi;

WHEREAS, on July 16, 1998, Licensee entered into a Consent Order with terms and conditions for a period of three (3) years with this Board as a result of an investigation establishing that Licensee suffered from mental illness and chemical dependency;

WHEREAS, on July 19, 2000, Licensee submitted a, "Request For Reinstatement of License to Practice Medicine or Podiatry in the State of Mississippi" form, after Licensee failed to forward a change of address to New Orleans, Louisiana. To wit: Condition number 10 of the July 1998, Consent Order stipulated, *"In the event Licensee should leave Mississippi to reside or to practice outside the State, Licensee shall, within (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."*

WHEREAS, in March 2008, the Board received information that Licensee was seeking employment in Mississippi and requested Licensee submit in writing his intentions to practice in Mississippi. Licensee submitted a letter dated November 1, 2008, notifying the Board of his employment / practice location in Magee and Natchez, Mississippi. Since he was affiliated with the Louisiana Professionals Health Program, he would not be required to submit to urine

screens, but was directed to provide monthly itineraries listing all Mississippi practice locations.

WHEREAS, on May 17, 2010, the Louisiana State Board of Medical Examiners suspended license 09512-R, with the suspension stayed and placed on probation for a period of ten (10) years with terms, conditions and restrictions. The action was based in notification on October, 2009, that Licensee had suffered a relapse in alcohol abuse and had entered residential treatment. Licensee successfully completed treatment in January 2010. The Louisiana State Board of Medical Examiners' Consent Order is attached hereto as composite "Exhibit A," and incorporated herein by reference;

WHEREAS, pursuant to Subsections (9) and (13) of Section 73-25-29, Mississippi Code (1972), Annotated, Licensee's chemical dependency relapse and the aforementioned action by the Louisiana State Board of Medical Examiners constitutes restrictions placed on Licensee's certificate to practice medicine in another jurisdiction and are 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 indefinitely suspend Licensee's Certificate No. 07040 to practice medicine in the State of Mississippi, with the suspension stayed, subject however, to the following probationary terms and conditions to run for a period of ten (10) years from the date hereof, to-wit:

1. Licensee shall obtain advocacy with the Mississippi Professionals Health Program (hereinafter "MPHP") and enter into a Recovery Contract Agreement (RCA). Because

Licensee will be subject to monitoring agreements with both the Mississippi and Louisiana Professionals Health Programs, he shall fully cooperate with both programs when coordinating their respective monitoring efforts.

2. Licensee shall have the right, but not the obligation, to petition the Board for removal of any or all of the restrictions imposed herein at such time as he has successfully completed all terms and conditions as required by the Louisiana State Board of Medical Examiners and is released therefrom by order of the Louisiana Board. At such time as Licensee petitions this Board for removal of any or all of the restrictions imposed herein, the Board reserves the right, in its sole and absolute discretion, to utilize any information or reports from either the Louisiana, Mississippi or other appropriate physician's health programs, 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.
3. Licensee shall report immediately in writing to the Mississippi State Board of Medical Licensure should his medical license in any state or federal jurisdiction be subject to investigation or disciplinary action.
4. Licensee shall notify the Mississippi State Board of Medical Licensure within no less than sixty (60) days prior to relocating his practice.
5. Pursuant to Miss. Code Ann., Section 73-25-30, Licensee shall pay all investigative costs associated with the disciplinary action taken herein. Licensee shall be advised of the total assessment by separate written notification, and shall tender to the Board a certified check or money order made payable to the Mississippi State Board of

Medical Licensure on or before forty (40) days from the date the assessment is mailed to Licensee via U.S. Mail.

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.

In as much as Licensee changed his residency to the State of Louisiana, the terms and conditions set forth in the July 16, 1998, Consent Order remain in full force and effect. Accordingly, Licensee understands and agrees that this Consent Order shall be in lieu of and supersede the July 16, 1998 Consent Order.

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

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

Consent Order constitute any acknowledgment of wrongful misconduct or malpractice by Licensee.


Recognizing his right to notice of charges specified against him, to have such charges adjudicated pursuant to Miss. Code Ann. Section 73-25-27 (1972), to be represented therein by legal counsel of his choice, and to a final decision rendered upon written findings of act and conclusions of law, Edward J. O'Brien, Sr., M.D., nonetheless, hereby waives his right to notice and a formal adjudication of charges and authorizes the Board to enter an order accepting this Consent Order, thereby suspending his license to practice medicine in the State of Mississippi for an indefinite period of time and staying the suspension, subject to those probationary terms and conditions to run for a period of ten (10) years as listed above.

Executed, this the 22nd day of July, 2010.



Edward J. O'Brien, Sr., M.D.

ACCEPTED AND APPROVED, this the 22, day of July, 2010,
by the Mississippi State Board of Medical Licensure.



William S. Mayo, D.O.
President

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

630 Camp Street, New Orleans, LA 70130
General Correspondence Address: Post Office Box 30250, New Orleans, LA 70190-0250
www.lsbme.org



Telephone: (504) 568-6820
FAX: (504) 568-8893
Writer's Direct Dial:

Ext. _____

----- X	:	
	:	
In The Matter of	:	No. 09-I-793
	:	
EDWARD JOSEPH O'BRIEN, M.D.	:	
(Certificate No.09512R)	:	CONSENT ORDER
	:	
----- X	:	

An investigation conducted by the Louisiana State Board of Medical Examiners (the "Board") indicates that Edward Joseph O'Brien, MD ("Dr. O'Brien"), a physician who at all times pertinent has been licensed and engaged in the practice of general medicine in and around Metairie, Louisiana, suffers from the use and abuse of alcohol.

Dr. O'Brien's first difficulty with alcohol abuse was recognized in 1975 while he was living and working in another state. In 1983 he underwent his first residential treatment program for alcohol dependency. He suffered a relapse in 1984, but was subsequently able to return to sobriety without a second treatment experience. Dr. O'Brien continued in recovery and in October 1992 he entered into a Consent Order with the Board whereby he was granted a Louisiana license¹, although he continued to reside and practice in another state. In 1998 the Board received notification that Dr. O'Brien had undergone successful inpatient treatment for Bi-polar Disorder and shortly afterwards he began practicing medicine in Louisiana. He remained in recovery until October 2009 when the Board received notification from the PHP that Dr. O'Brien had suffered a relapse in alcohol abuse and had entered residential treatment. He successfully completed treatment in January 2010.

¹ Consent Order, *In the Matter of Edward Joseph O'Brien, M.D.*, No. 92-I-119, before the La. St. Bd. of Med. Exam., October 31, 1992.

EXHIBIT "A"

At discharge he was given the diagnoses of Alcohol Dependence and BiPolar Disorder and was provided recommendations for on-going therapy and monitoring that include, among other conditions, execution of a monitoring agreement with the PHP, attendance at specified meetings and counseling. Provided that he adhered to these recommendations, it was the opinion of his treating physicians, that Dr. O'Brien was capable of returning to the practice of medicine with reasonable skill and safety to patients.

As evidenced by his subscription to this order, Dr. O'Brien acknowledges the substantial accuracy of the forgoing information and that such acknowledgment and the reported information would provide the Investigating Officer assigned to this matter by the Board with probable cause to pursue administrative proceedings against him for violation of the Louisiana Medical Practice Act, La. Rev. Stat. §37:1285 (A) (5) and (25)², constituting sufficient cause for action against his license to practice medicine in the State of Louisiana. On the basis of apparently reliable information, however, the Board is persuaded that the condition from which Dr. O'Brien suffers may be susceptible to effective medical treatment, resulting in the maintenance of his capacity to engage in the practice of medicine with reasonable skill and safety to patients, provided that he strictly observes and complies with appropriate restrictions on and conditions to maintenance of his medical license. In consideration of this finding, accordingly, and on the recommendation of the Investigating Officer respecting the pending investigation, the Board has concluded that its responsibility to ensure the health, safety and welfare of the citizens of this state against the unprofessional, unqualified and unsafe practice of medicine, La. Rev. Stat. §37:1261, will be effectively served by entry of the Order set forth hereinafter by consent.

Recognizing his right to have notice of administrative charges, and to administrative adjudication of such charges, at which time Dr. O'Brien would be entitled to be represented by legal counsel, to call witnesses and to present evidence on his own behalf in defense or in mitigation of the charges made and to a decision thereon by the Board based upon written findings of fact and conclusions of law pursuant to La. Rev. Stat. §49:955-965, Dr. O'Brien, nonetheless, hereby waives his right to formal adjudication and pursuant to La. Rev. Stat. §49:955 (D), consents to entry of the Order set forth hereinafter. Dr. O'Brien acknowledges that he hereby waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §§49:951, *et seq.*, or which he otherwise may be afforded by any law to contest his agreement to or the force and effect of the Board's investigation or this document in any court or other forum. By his subscription hereto, Dr. O'Brien also hereby authorizes the Investigating Officer designated by the Board with respect hereto, to present this Consent Order to the Board for its consideration and to fully disclose and discuss with the Board the nature and results of the investigation and he waives any objection to such disclosures under La. Rev. Stat. §49:960. Dr. O'Brien expressly acknowledges that the disclosure of such information to the Board by the Investigating Officer shall be without prejudice to the Investigating Officer's authority to proceed with the filing and adjudication of an administrative

² The Board may take action against the license of a physician as a result of: (5) '[H]abitual or recurring abuse of drugs, including alcohol, which affects the central nervous system and which are capable of inducing physiological or psychological dependence;' and (25) '[I]nability to practice medicine with reasonable skill or safety to patients because of ... excessive use or abuse of drugs, including alcohol;'

complaint against him or to the Board's capacity to adjudicate such complaint should the Board decline to approve this consent Order. Accordingly, in consideration of the forgoing and pursuant to the authority vested in the Board by La. Rev. Stat. §49:955 (D);

IT IS ORDERED that the license of Edward Joseph O'Brien M.D., to engage in the practice of medicine in the State of Louisiana, as evidenced by Certificate No. 09512R, be and the same is hereby, **SUSPENDED** for a period of six (6) months commencing as of the effective date of this Order.

IT IS FURTHER ORDERED that the suspension of the license of Edward Joseph O'Brien M.D., to engage in the practice of medicine in the State of Louisiana, as evidenced by Certificate No. 09512R, be and the same is hereby **STAYED**.

IT IS FURTHER ORDERED that the license of Edward Joseph O'Brien M.D., to engage in the practice of medicine in the State of Louisiana, as evidenced by Certificate No. 09512R, be and the same is hereby, effective as of the date hereof, placed **ON PROBATION** for a period of ten (10) years, *provided, however*, that such license and Dr. O'Brien' continuing exercise of rights and privileges granted thereby, shall be conditioned upon and subject to his acceptance of, and strict compliance with, the following terms, conditions and restrictions:

(1) **Personal Appearance before the Board.** Upon acceptance of this Consent Order, Dr. O'Brien shall personally appear before the Board or its designee to permit the Board to consider his current and aftercare treatment program, his compliance with the terms of this Order and to advise the Board of his intentions with respect to his continued practice of medicine.

(2) **Maintenance of Complete Abstinence.** Dr. O'Brien shall maintain complete and total abstinence from the use of alcohol, controlled and any other mood-altering substance including Tramadol for as long as he holds a license to practice medicine in this state, except as may be prescribed by a treating physician other than himself for a *bona fide* medical condition. Dr. O'Brien shall personally inform the PHP and the Board's Compliance Officer, both orally and in writing, within forty-eight (48) hours of the prescription or administration of any controlled or mood-altering substance received by him from any physician for treatment of a *bona fide* medical condition. If the prescription is from another physician, he shall also inform his treating/monitoring physician in this same manner. Dr. O'Brien shall immediately self-report to the PHP and the Board in writing any failure to adhere to the terms, conditions or restrictions of this Order.

(3) **Continuing Treatment, Participation in the PHP/Reports to Board.** Dr. O'Brien shall enter into and execute a monitoring agreement with the PHP. Dr. O'Brien shall continue in, abide by and strictly adhere to all recommendations for ongoing treatment and monitoring of his condition, which have or may be contained in his PHP monitoring agreement, or any subsequent agreement which may be recommended by the PHP, as well as those recommended by his treating physicians and those prescribed by any other health care provider involved in his care to the extent that they continue to follow him. Dr. O'Brien shall, in addition, authorize and cause his treating and monitoring physicians and/or the PHP to submit to the Board, not less frequently than quarterly throughout the probationary period, written reports and/or verbal reports, should the Board desire the latter, on his then-current treatment diagnosis, prognosis, course of treatment, maintenance of abstinence from controlled and mood-altering substances, his fitness and ability to practice medicine with reasonable skill and safety to patients, and his compliance with the terms, conditions and restrictions of this Order and his PHP monitoring agreement.

(4) **Drug Screens.** Dr. O'Brien shall submit to periodic, unannounced blood, urine, saliva and/or hair collection for testing for the presence of controlled or other mood-altering substances by the Board or its designee. Unless and until this condition is modified or rescinded by the Board, Dr. O'Brien shall authorize and cause such physician or testing facility and/or the PHP to report the results of such drug screens to the Board not less frequently than quarterly throughout the probationary period.

(5) **Board Access to Treatment Records and Reports.** Dr. O'Brien shall, and does by his subscription hereto, authorize any physician or any institution at which he undergoes treatment for chemical abuse or dependency or any other condition from which he may suffer or be diagnosed, as well as any physician under whose care he may come at such an institution who has or may hereafter evaluate, diagnose, treat or monitor him, to provide the Board with copies of all medical reports relating to Dr. O'Brien's history, examination, evaluation, diagnosis, treatment and prognosis and to provide the Board with written and verbal reports relative thereto. Dr. O'Brien expressly waives any privilege that may otherwise be afforded the disclosure of such records pursuant to state or federal law and shall immediately execute any authorization or release that may be necessary to permit the Board access to such records.

(6) **Sanction.** By his subscription hereto, Dr. O'Brien acknowledges that his receipt of written notification that the Board has received an apparently reliable report which indicates his failure to comply with the requirements set forth by this Order in any respect shall, without the need for formal hearing or for providing him with any right to which he may otherwise be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §§49:951, *et seq.*, or which otherwise may be afforded to him by law,

constitute his irrevocable consent to the immediate suspension of his license to practice medicine in this state. In the event of suspension under this provision, Dr. O'Brien acknowledges that he shall not resume the practice of medicine in this state until and unless the Board issues and serves on him a written order reinstating his license following: (i) the Board's receipt of Dr. O'Brien's sworn certification attesting, under penalty of La. Rev. Stat. §37:1285A(3) and (4) for perjury and providing false sworn information to the Board, that he is then in full compliance with all requirements of this Order; (ii) Dr. O'Brien's meeting at the Board office with the Director of Investigations to discuss his alleged transgressions of the Order and potential recommendations for disposition; and (iii) the conclusion of administrative proceedings following an administrative hearing and final decision issued by the Board on any charges made the basis of his suspension or that may be filed in these proceedings; alternatively, by the Board's acceptance of a superseding consent or other order or recommendation respecting disposition of such charges.

(7) Prohibitions on Practice/Management of Chronic Pain or Obesity. At no time following the effective date of this Order shall Dr. O'Brien practice medicine in the field of the management of chronic pain or obesity. More specifically, at no time following the effective date of this Order shall Dr. O'Brien hold himself out as being engaged in the treatment of or actually undertake to treat, either individually or in conjunction with any other physician, any patient for the long-term management of chronic pain or obesity (beyond twelve weeks in any twelve month period), nor shall he receive any remuneration from, have any ownership interest in or association with any clinic or practice setting or arrangement that renders care and/or treatment to patients for chronic pain or obesity or any clinic that advertises or holds itself out to the public as a clinic or practice for the care and/or treatment of patients for the management of chronic pain or obesity. Until and unless otherwise modified by the Board, in its sole discretion, the restrictions contained in this provision shall survive the probationary period and remain in effect so long as Dr. O'Brien shall hold any form of license or permit to practice medicine in the state of Louisiana.

(8) Continuing Medical Education. Dr. O'Brien shall obtain not less than fifty (50) credit hours per year for each of the ten (10) years of his probationary term through attendance at and participation in continuing medical education programs ("CME") accredited by and qualifying for the Physician's Recognition Award of the American Medical Association. On or before the anniversary date of the effective date of this Consent Order, for each of the next ten (10) years, Dr. O'Brien shall cause to be submitted to the Board written certification of the CME programs and credits completed by him during the preceding twelve (12) months.

(9) **Probation Monitoring Fee.** For each year of the probationary term Dr. O'Brien shall pay the Board a probation monitoring fee of Three Hundred (\$300.00) Dollars. Payment of the initial fee shall be due not later than sixty (60) days from the effective date of this Order. All subsequent annual payments shall be due on or before the anniversary date of the initial fee payment.

(10) **Cooperation with Board's Probation and Compliance Officer.** Dr. O'Brien shall immediately notify the Board's Probation and Compliance Officer of any change in his current home and professional addresses and telephone numbers and he shall direct all matters required pursuant to this Consent Order to the attention of the Probation and Compliance Officer, with whom he shall cooperate on all matters and inquiries pertaining to his compliance with the terms, conditions and restrictions of this Consent Order.

(11) **Notification.** Dr. O'Brien shall provide a copy of this Consent Order to each hospital, clinic, facility or other employer or prospective employer at which or for whom he provides services as a physician in this state.

(12) **Absence from the State/Practice/Effect on Probation.** The time period of this Order shall be extended for any period of time that (i) Dr. O'Brien subsequently resides or practices outside the State of Louisiana, (ii) Dr. O'Brien's license is subsequently cancelled for nonpayment of licensure fees, or (iii) this Order is stayed or enjoined by Court Order. If Dr. O'Brien leaves Louisiana to live or practice elsewhere, Dr. O'Brien shall immediately notify the Board in writing of the dates of his departure from and subsequent return to Louisiana. When the period of extension ends, Dr. O'Brien shall be required to comply with the terms of this Order for the period of time remaining on the extended Order. Dr. O'Brien shall pay all fees for reinstatement or renewal of a license covering the period of extension.

(13) **Certification of Compliance with Probationary Terms/Personal Appearance before the Board.** At least sixty (60) days prior to the conclusion of the probationary term imposed herein, Dr. O'Brien shall provide the Board with an affidavit certifying that he has complied with each of the terms of probation imposed by this Order and he shall contact the Board and arrange for a personal appearance before the Board at its meeting preceding the expiration of his probationary term.

IT IS FURTHER ORDERED that any violation or failure of strict compliance with any of the terms, conditions or restrictions set forth by this Order by Dr. O'Brien shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the revocation and cancellation of Dr. O'Brien's license to practice medicine in the State of Louisiana or for such other action as the Board may deem appropriate, as if such violations were enumerated among the causes provided in La. Rev. Stat. § 37:1285.

In the Matter of:
Edward Joseph O'Brien, M.D.

**CONSENT ORDER FOR REINSTATEMENT
OF LICENSE ON PROBATION**

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

New Orleans, Louisiana, this 17 day of July, 2010.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

BY: Walt Dason
BOARD MEMBER

In the Matter of:
Edward Joseph O'Brien, M.D.

CONSENT ORDER FOR REINSTATEMENT
OF LICENSE ON PROBATION

8

ACKNOWLEDGMENT
AND CONSENT

STATE OF LOUISIANA
PARISH OF ORLEANS

I, EDWARD JOSEPH O'BRIEN, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 10 day of March, 2010.

Edward Joseph O'Brien
EDWARD JOSEPH O'BRIEN, M.D.

WITNESSES:

Minnie Gray
Signature

Laura Smith
Signature

Herminia "Minnie" Gray
Printed Name

Laura Smith
Printed Name

1523 Polymnia
Address

1100 Ave A
Address

N.O., LA 70130
City, State, Zip Code

Morero, LA 70072
City, State, Zip Code

Sworn to and subscribed before me at New Orleans, Louisiana, this 10 day of March, 2010, in the presence of the two stated witnesses.

Malvern C. Burnett
Notary Public (Signature)

Printed Name/Notary #
MALVERN C. BURNETT
Notary Public
LA Bar No. 17495
Parish of Orleans, State of LA



Louisiana State Board of Medical Examiners

Mailing Address: P.O. Box 30250, New Orleans, LA 70190-0250

Physical Address: 630 Camp Street, New Orleans, LA 70130

Phone: (504) 568-6820

Fax: (504) 568-5754

Web site: <http://www.lsbme.la.gov>

Lester St. Amant, Special Investigator
Investigations & Enforcement

Extension: 286

Fax: (504) 568-5754

Email: lstamant@lsbme.la.gov

June 15, 2010

Personal and Confidential

Edward J. O'Brien, M.D.
1441 Magazine St.
New Orleans, LA 70130

Dear Dr. O'Brien

This memorandum is pursuant to your request for a clarification as it relates to paragraph 12 in your Consent Order.

As you may recall, as we were going over each of the requirements in your Consent Order when we began to discuss paragraph 12 Absence from the State/Practice/Effect on Probation there were concerns about the language of that condition due to your current long time employment with Natchez Regional Medical Center. That work site was approved so that you will be allowed to continue with this employment without causing a violation of your Consent Order as long as you continue to reside in Louisiana and maintain a valid contract with the Louisiana PHP.

Should you desire to engage in additional employment in any state save for Louisiana, you must have prior approval from the Board or you will be in violation of your Consent Order.

Engaging in employment in Louisiana, so long as it does not violate any of the other conditions of the Consent Order, will have no effect on the probationary period of the Consent Order.

A copy of this correspondence will be made part of your official probation file.

If I can be of further assistance, please do not hesitate to contact me.

Yours very truly,

Louisiana State Board
Of Medical Examiners

A handwritten signature in black ink that reads "L.C. St. Amant".

Lester C. St. Amant
Special Investigator

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

OF

EDWIN GROVER EGGER, SR., M.D.

CONSENT ORDER

WHEREAS, Edwin Grover Egger, Sr., M.D., hereinafter referred to as "Licensee," is the current holder of License No. 06402 for the practice of medicine in the State of Mississippi;

WHEREAS, on or about April 28, 2010, the Mississippi State Board of Medical Licensure, hereinafter referred to as the "Board," received a letter from the Mississippi Professionals Health Program, hereinafter referred to as the "MPHP," reporting that it is the decision of the Mississippi Professionals Health Committee hereinafter "Committee," that Licensee has become a discipline problem and can no longer be monitored by MPHP because of his repeated failure to comply with his October 9, 2006, Recovery Contract Agreement with the Board and MPHP, hereinafter "RCA." The Committee determined that Licensee is not capable of practicing medicine with reasonable skill and safety to patients, unless Licensee is monitored, due to Licensee's addiction and mental illness;

WHEREAS, pursuant to Subsection (8)(d), and (13) of Section 73-25-29 and Section 73-25-83(a), Miss. Code Ann. (1972), the aforementioned acts constitute violation of an existing order, stipulation or agreement with the Board; and, unprofessional and unethical conduct, for which the Board 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 authority set forth in Miss. Code Ann., Sections 73-25-27 and 73-25-59, of the Mississippi Disabled Physicians Law, Licensee wishes to avoid a hearing before the Board and, in lieu thereof, does consent to certain restrictions on his license to practice medicine in the State of Mississippi;

NOW THEREFORE, the Mississippi State Board of Medical Licensure with consent of Licensee as signified by his joinder herein, does hereby indefinitely suspend Licensee's Certificate No. 06402 to practice medicine in the State of Mississippi, with the suspension stayed, subject to the following terms and conditions:

1. Licensee shall immediately obtain affiliation with MPHP. Licensee shall comply with all affiliation requirements of the MPHP, its Medical Director or the Mississippi Impaired Physicians Committee (MPHC). Licensee shall comply with all terms of the RCA which may be amended by virtue of the Consent Order. Pursuant to the term of the RCA, Licensee hereby authorizes the Board, its Director or Investigative Staff to freely contact and communicate with the MPHP, MPHC, or any agent or representative of said organizations as to all aspects of his affiliation and/or recovery. Reciprocally, Licensee hereby authorizes the MPHP and MPHC, its agents, representatives or employees to communicate with the Board as to all aspects of his affiliation and/or recovery. Any report of noncompliance with the RCA could result in further disciplinary action.
2. Licensee shall totally abstain from the use of any alcoholic or intoxicating beverage and shall not prescribe, dispense or administer to himself, any family member, or anyone with whom Licensee has an emotional and/or personal relationship, any controlled substances or other drugs having addiction-forming or addiction-sustaining liability. Further, Licensee shall refrain from ingesting any food product, alcohol, or over-the-counter drug likely to cause a confirmed

positive test result of the urine screen analysis. Any confirmed positive test result, not in accordance with paragraph three (3) of this agreement, shall be considered a violation subject to Board action.

- 3 Licensee shall obtain the services of a physician, approved in writing by the Board and MPHP, for treatment of Licensee's chronic pain management, simple illnesses and similar medical conditions. Licensee shall not treat himself or family members. In the event a physician determines that it is necessary to administer, dispense or prescribe to Licensee any medication, the treating physician shall so notify MPHP's Director and the Board's Executive Director in writing. This notification shall be a letter written on the treating physician's letterhead, and must be mailed within twenty-four (24) hours after the administration, dispensation, or prescribing of said medication. It is Licensee's responsibility to insure that the treating physician submits the requisite notice as provided herein. This requirement shall also apply to any care rendered to Licensee by a dentist. Unless being treated in an emergency situation, Licensee shall not receive any medications from any other source other than the designated treating physician or dentist.
4. Licensee shall be authorized to maintain his U.S. Drug Enforcement Administration Uniform Controlled Substances Registration Certificate, provided Licensee shall not be permitted to order, manufacture, distribute, possess, dispense, administer, or prescribe controlled substances in Schedules II, IIN, III, IIIN, or IV on an out-patient basis until authorized to do so by the Board. Licensee's issuance of prescriptions for controlled substances on an out-patient basis shall be limited to Schedule V.

5. Licensee shall not be permitted to order or manufacture, distribute, possess, dispense, administer or prescribe the medications Stadol and Nubain, Tramadol (Ultram), Carisoprodol (Soma) or Butalbital or their generic equivalents, in any form without prior authorization by the Board.
6. In the event Licensee suffers a relapse and/or fails to comply with any or all of the conditions imposed by this Consent Order, the stay of suspension shall be immediately removed and 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 for reinstatement provided herein. The Board may, in its sole discretion, require Licensee to undergo further evaluation for chemical dependency.
7. Within one (1) year of acceptance of this Consent Order, Licensee shall successfully complete a prescribing course approved by the Board. See list of Board approved courses attached to this document as Exhibit "A". Following completion of said course, Licensee shall submit to the Board documentary proof of successful completion.
8. Licensee shall obey all federal, state and local laws, and all rules governing the practice of medicine, and shall comply with the Rules and Regulations of the Board, "Pertaining to Prescribing, Administration and Dispensing of Medication." Licensee shall thoroughly familiarize himself with said rules and regulations and shall so indicate to the Board in writing within one (1) year of acceptance of this Consent Order.

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

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

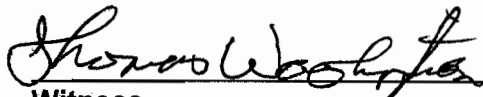
This Consent Order has been tendered by the Board's Executive Committee and Director and therefore is subject to approval by the Board. If the Board fails to approve this Consent Order, in whole or in part, it shall have no force or effect on the parties. It is further understood and agreed that the 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 Board, 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 action, if any, which the U. S. Drug Enforcement Administration may take in response to this Order.

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

Recognizing his right to notice of charges specified against him, to have such charges adjudicated pursuant to Miss. Code Ann. Sections 73-25-27 and 73-25-59 (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, Edwin Grover Egger, Sr., 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 for an indefinite period of time, staying the suspension, subject to those terms and conditions enumerated above.

SIGNED, this the 22 day of June, 2010.


Witness


Edwin Grover Egger, Sr., M.D.

ACCEPTED AND APPROVED, This the 22 day of July, 2010, by the Mississippi State Board Of Medical Licensure.


William S. Mayo, D.O.
President

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF PHYSICIANS LICENSE

OF

ANDREW JAMES PETERSON, D.O.

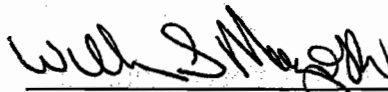
ORDER OF CONTINUANCE

THIS MATTER came on regularly for hearing on July 22, 2010, before the Mississippi State Board of Medical Licensure, in response to a request for continuance of the hearing set for this date made by Andrew James Peterson, D.O., (hereinafter "Licensee"), through his attorney, Rufus Alldredge. After consideration of the matter, the Board finds Licensee's motion to be well taken.

IT IS, THEREFORE, ORDERED, that this matter is continued until 10:00 a.m., September 16, 2010.

SO ORDERED, this the 22nd day of July, 2010.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**



**WILLIAM S. MAYO, D.O.
PRESIDENT**

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

ROBERT STEPHEN CORKERN, M.D.

ORDER

THIS MATTER came on regularly for hearing on July 22, 2010, before the Mississippi State Board of Medical Licensure, hereinafter referred to as the "Board", in response to the Petition of Robert Stephen Corkern, M.D., hereinafter referred to as "Licensee", seeking removal of restrictions placed on his license to practice medicine in the State of Mississippi by virtue of that certain Consent Order with this Board dated January 21, 2010. Licensee also appears in response to a Summons and Affidavit issued by the Board on June 21, 2010, charging Licensee with two (2) counts of violation of the Mississippi Medical Practice Act. As to Count I, Licensee is charged with violation of the terms and conditions set forth in the aforementioned Consent Order. As to Count II, Licensee is charged with unprofessional conduct as a result of issuing prescriptions for controlled substances which he had no authority to prescribe.

The hearing was convened at the time set forth in the Summons. Licensee was present, but without counsel. Complaint Counsel for the Board was Honorable Stan T. Ingram. Sitting as legal advisor to the Board was Honorable Ellen O'Neal, Assistant Attorney General. Board members present for all the proceedings were William S. Mayo, D.O., President; S. Randall Easterling, M.D.; Virginia Crawford, M.D.; Larry Aycock, M.D.; William B. Jones, M.D., Philip T. Merideth, M.D., and Charles D. Miles, M.D. Following

administration of rights by Ms. O'Neal, Licensee chose to waive presence of counsel and proceed with the hearing.

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

FINDINGS OF FACT

1. Licensee was licensed to practice medicine in the State of Mississippi on July 1, 1989, by issuance of Mississippi Medical license No. 12101, said license being valid until June 30, 2011.
2. On January 21, 2010, Licensee entered into a Consent Order with the Board which placed certain restrictions against his medical license. By virtue of the Consent Order, Licensee was prohibited from ordering, manufacturing, distributing, possessing, dispensing, administering or prescribing controlled substances in all schedules as well as the medications Stadol and Nubain or their generic equivalents, or the medications Tramadol (Ultram), Carisoprodol (Soma) or Butalbital in any form. Contrary to this expressed prohibition, from January 23, 2010, through May 11, 2010, Licensee did issue approximately eight (8) prescriptions for the drugs Carisoprodol (Soma) and Ezol, a combination of Butalbital (50mg) Acetaminophen (325mg) and Caffeine (40mg) medication, at a time when Licensee had no authority to do so. The prescriptions are itemized at paragraphs 3(a) through 3(e) of the Affidavit of Mickey Boyette, Investigator, and attached to the Summons filed herein.
3. The Board takes note of the fact that subsequent to his last appearance

before this Board on May 20, 2010, Licensee completed all continuing medical education (CME) imposed by the Consent Order to-date, and paid the assessment.

CONCLUSIONS OF LAW

Based on the Findings of Fact as set forth above, Licensee is guilty of both Counts I and II as set forth in the Summons and Affidavit issued June 21, 2010, that is, Licensee is guilty of violation of Mississippi Code Ann., Sections 73-25-29(8)(d), 73-25-83(a) and 73-25-29(13).

ORDER

IT IS THEREFORE, ORDERED, that based on the Findings of Fact and Conclusions of Law as set forth above:

1. Licensee's petition for removal of restrictions imposed on his license by virtue of the January 21, 2010, Consent Order, including Licensee's request to register with the U.S. Drug Enforcement Administration for a Uniform Controlled Substances Registration Certificate for Schedules II, IIN, III, IIIN, IV, and V, along with authorization to possess, prescribe and handle the medications Stadol and Nubain, Tramadol (Ultram), Carisoprodol (Soma) or Butalbital or their generic equivalents is hereby denied.
2. The aforementioned prohibitions pertaining to the administration, possession, prescription or use of controlled substances, as well as the drugs Stadol and Nubain, Tramadol (Ultram), Carisoprodol (Soma), Butalbital or their generic equivalents, shall continue for an additional period of twelve (12) months from this date.


3. Licensee shall take immediate steps to remove his DEA Number from all prescription pads now used in his practice.

IT IS FURTHER ORDERED, that Licensee shall have the right to petition for reconsideration after expiration of twelve (12) months from this date.

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

SO ORDERED, this the 22nd day of July, 2010.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**

A handwritten signature in cursive script, appearing to read "William S. Mayo", is written over a horizontal line.

**WILLIAM S. MAYO, D.O.
PRESIDENT**

SEPTEMBER 2010

**MINUTES
EXECUTIVE COMMITTEE MEETING
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
SEPTEMBER 15, 2010**

MEMBERS PRESENT:

William S. Mayo, D.O., Oxford, President
S. Randall Easterling, M.D., Vicksburg, 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
Leslie Ross, Investigations Supervisor
Frances Carrillo, Special Projects Officer, Investigative Division
Mickey Boyette, Investigator, Investigative Division
Ruby Litton, RN, Compliance Nurse
Sherry Harris, Staff Officer

The Executive Committee of the Mississippi State Board of Medical Licensure met on Wednesday, September 15, 2010, at 2:00 p.m. in the Executive Conference Room of the Office of the Board located at 1867 Crane Ridge Drive, Jackson, Mississippi.

**PERSONAL APPEARANCE BY THOMAS G. FOREMAN, M.D., HORNELL, NY,
APPLICANT**

Dr. Craig advised that Dr. Foreman is a general surgeon from New York that has applied for licensure in Mississippi. Dr. Foreman's file noted multiple liability cases and due to the severity involved, Dr. Foreman had been requested to appear before the Executive Committee to discuss.

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

Dr. Craig introduced Dr. Foreman and told him that he had been invited to discuss the number and complexity of malpractice cases in his application and why there had been some discrepancies when he submitted his original application.

EXECUTIVE COMMITTEE MINUTES

September 15, 2010

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Dr. Foreman addressed the Executive Committee and discussed that when he initially filled out his application that he used information provided by his malpractice carrier and some of the cases showed up later on another report. Dr. Foreman briefly discussed the malpractice cases and answered questions from the Executive Committee.

After further discussion, Dr. Mayo advised that the Executive Committee would discuss and take the matter to the Full Board on Thursday for approval. Dr. Mayo advised Dr. Foreman that he should be advised of the Full Board's decision within a week. Dr. Foreman exited the meeting and after discussing, motion was made by Dr. Crawford, seconded by Dr. Easterling, and carried unanimously to offer Dr. Foreman an unrestricted license to practice medicine in the State of Mississippi.

PERSONAL APPEARANCE BY MARK H. STRONG, M.D., OXFORD, MISSISSIPPI MEDICAL LICENSE NUMBER 18009

Dr. Craig briefly discussed Dr. Strong's history with Mississippi Professionals Health Program (MPHP) and that he had never been under contract. Dr. Craig advised that MPHP had recommended that he take approved courses in prescribing and boundary issues. Dr. Craig advised that the problem is that MPHP requested that Dr. Strong take the courses in April 2009, and after we had sent him several letters he finally completed the courses in July 2010. Dr. Craig stated that Dr. Strong had been invited to appear before the Executive Committee to explain why there was such a delay in enrolling and completing the courses.

Dr. Strong joined the meeting and was not represented by legal counsel. Dr. Strong had executed a written agreement for this informal meeting, a copy of which is attached and incorporated by reference. Wessie Sims, with MPHP, was also in attendance to respond to any questions concerning MPHP and Dr. Strong.

Dr. Craig asked Dr. Strong to briefly explain to the Board why it took him so long to complete the courses recommended by MPHP. Dr. Strong advised that it was his understanding that he could take weekend courses which ended up not being the case and they had to be taken during the week. Dr. Strong also advised that due to his partner taking a leave of absence that he had no relief and was working longer hours. Dr. Strong advised that he had completed the courses as soon as he could under the circumstances.

After a brief discussion and questions from the Executive Committee, Dr. Strong was advised to exercise caution from here on out and to notify the Board of any delay in requests in the future.

EXECUTIVE COMMITTEE MINUTES

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PERSONAL APPEARANCE BY ELIAS ABOUD, M.D., MADISON, MISSISSIPPI MEDICAL LICENSE NUMBER 14192

Before Dr. Abboud was brought into the meeting, Charles Ware, Investigator, addressed the Executive Committee and gave a brief history and background of issues of concern with Dr. Abboud's practice and collaborative relationships. One of the main concerns was over pre-signed prescriptions found for controlled substances with his signature on them and yet he was working at Rush Hospital in Meridian. The APRN's have their own DEA numbers and yet when they call in prescriptions for controlled substances, they have been calling them in under Dr. Abboud's name.

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

Dr. Craig thanked Dr. Abboud for coming and introduced him to the members of the Executive Committee. Dr. Craig advised that the Executive Committee had invited him to appear to address concerns with the fact that he has two (2) off-site clinics that have not been approved by the Board. Dr. Craig stated that one (1) clinic is in Durant and the other one (1) is in Lexington and are run by APRN's while much of his time is spent working at Rush hospital as a hospitalists. Also, there is concern over the fact that he leaves pre-signed prescriptions for his APRN's while he is out of the office.

Dr. Abboud addressed the Executive Committee and stated that his APRN's had approval from the Board of Nursing. The Executive Committee advised Dr. Abboud that he is not regulated by the Board of Nursing and that it was his responsibility to be approved by the Medical Board. Dr. Abboud stated that he has recently obtained Dr. Fletcher Shrock as a back-up physician. Dr. Abboud denied leaving any pre-signed prescriptions, but stated that he had left prescriptions that were filled in and signed with his APRN's. Dr. Abboud stated that he does not have to stay in Meridian all the time as long as he can be reached by phone, that he simply makes his rounds and returns back to Durant. Dr. Abboud stated that the work he does at Rush Hospital in Meridian is considered a "free-lancing physician" and he is able to return to Durant to see patients.

The Executive Committee thanked Dr. Abboud and he exited the meeting. After further discussion, motion was made by Dr. Crawford, seconded by Dr. Easterling, and carried unanimously that due to irregularities in prescriptions and supervision that an administrative warrant be issued to obtain needed records to further investigate this matter. The Executive Committee also requested that Dr. Craig contact Dr. Fletcher Shrock to discuss the collaborative relationships between Dr. Abboud and the APRN's.

EXECUTIVE COMMITTEE MINUTES

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PERSONAL APPEARANCE BY JOSEPH S. MARDIS, JACKSON, MISSISSIPPI MEDICAL LICENSE NUMBER 15863

Dr. Craig advised that Dr. Mardis had been invited to the Executive Committee meeting to discuss his long history with MPHP and to discuss a potential Consent Order that the Board had drafted indefinitely suspending his license to practice, with the suspension stayed subject to terms and conditions. Dr. Craig advised that Dr. Mardis' attorney, Richard Montague, had requested through the Board's attorney, Stan Ingram, to continue the matter until the next regularly scheduled meeting in November.

Dr. Craig advised that the Board's concern was whether or not Dr. Mardis was fit to practice and his attorney has advised that he will not practice until this matter is cleared with the Board. The Executive Committee unanimously agreed that the Board needs a letter from Dr. Mardis advising that he will not practice until this matter has been discussed at the November Board meeting.

After further discussion, motion was made by Dr. Easterling, seconded by Dr. Crawford, and carried unanimously to issue Dr. Mardis a Summons and Affidavit to appear at the November Board meeting.

COLEMAN HENLEY, JR., M.D., BUFFALO, NY, APPLICANT, APPROVAL OF CONSENT ORDER

Dr. Craig advised that Dr. Henley had appeared at the July 21, 2010, Executive Committee meeting. Dr. Craig advised that the Executive Committee agreed to offer Dr. Henley a license with the condition that he would sign a reportable Consent Order that would limit his practice to office-based obstetrics and gynecology, with hospital practice expressly prohibited. Dr. Craig advised that the Consent Order had been sent to Dr. Henley and that he had signed and returned the Consent Order for Board approval.

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

DISCUSS RANDLY WOODS, M.D., MILTON, FL, APPLICANT

Dr. Craig advised that Dr. Woods is an applicant that exceeded the seven (7) year rule to complete Steps 1, 2 and 3 of the USMLE. Dr. Craig advised that Dr. Woods is a child psychiatrist that has problems taking tests. Dr. Woods had requested testing accommodations from the USMLE but was denied. After a brief discussion, the Executive Committee agreed that extraordinary circumstances exist in this request.

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Motion was made by Dr. Easterling, seconded by Dr. Crawford, and carried unanimously to offer Dr. Woods an unrestricted license to practice medicine in the State of Mississippi due to his significant deficits in processing speed, biological monovision and oculomotor dysfunction and since he is already licensed in two (2) other states.

DISCUSS CPEP ASSESSMENT FOR JOHN L. HERZOG, M.D., CLEVELAND, MISSISSIPPI MEDICAL LICENSE NUMBER 09800

Dr. Craig advised that the Board had requested back in March that Dr. Herzog contact the Center of Personalized Education for Physicians (CPEP) for an evaluation. Dr. Craig advised that Dr. Herzog had complied and that the Board had received his completed Assessment Report. Dr. Craig stated that the report indicates that he needs follow-up on education.

After a brief discussion, motion was made by Dr. Crawford, seconded by Dr. Easterling, and carried unanimously to advise Dr. Herzog that he is to comply with the recommendations of CPEP and report back to the Board within six (6) months.

UPDATE FROM VIRGINIA CRAWFORD, M.D., ON EXECUTIVE COMMITTEE'S REQUEST TO CONTACT RANDALL HINES, M.D., CONCERNING ACUPUNCTURE TREATMENT FOR INFERTILITY

Dr. Crawford advised that she had followed up with Dr. Hines concerning acupuncture treatment for infertility after the Executive Committee had met with Jerusha Stephens, LA-C, at the last Executive Committee meeting. Dr. Crawford stated that there seems to be some benefit in approximately 20% of the cases that have tried acupuncture treatment for infertility and that Dr. Hines has referred patients to Ms. Stephens for treatment, as he feels that it is an acceptable practice.

After discussion, motion was made by Dr. Easterling, seconded by Dr. Crawford, and carried unanimously that any referrals should come from an OB/GYN and that any further advertising from an acupuncturist should state that referrals or prescriptions for treatment of infertility come from an OB/GYN.

After further discussion, the Executive Committee unanimously agreed that the Board either needs to update the current regulation advising physicians to register with the Board if they practice acupuncture or become certified in acupuncture. The Board must have on file copies of appropriate training in acupuncture for each physician approved to provide any treatment by acupuncture. Also, the Executive Committee unanimously agreed that the limiting of referrals from the OB/GYN needs to be addressed in our rules and regulations.

EXECUTIVE COMMITTEE MINUTES

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Also, Dr. Craig advised that the Board had received a letter from the Mississippi Oriental Medicine Association to the governor nominating nominees for the Acupuncture Advisory Council. After discussion, the Executive Committee unanimously agreed that Dr. Aena Payne, at the University, should be added to the list of nominees. The Executive Committee requested that Dr. Craig correspond with Ms. Stephens, President of the Oriental Medicine Association, and make the request to add Dr. Payne to the nominee list.

PERSONAL APPEARANCE BY SOUTHERN HEART CENTER AND SOUTHERN BONE & JOINT SPECIALISTS, HATTIESBURG, MS

Dr. Craig advised that several physicians from Southern Heart and Southern Bone & Joint in Hattiesburg were here today to request a waiver to the Board's regulation concerning the number of physician assistants (PA) a physician can supervise. Dr. Craig advised that the current policy allows each PA a primary and no more than three (3) back-up physicians.

Randel Smith, M.D., with Southern Heart Clinic and Robert Dews, M.D., with Southern Bone & Joint Specialists basically discussed their needs for the waivers. Dr. Smith advised that their intention was not to have PA's working unsupervised as the physicians and PA's work exclusively out of Forrest General and have the responsibility for 24/7 coverage. Dr. Smith stated that they have elected to use PA's but stated that PA's always work with a supervising physician and that communication is at least hourly if not more. Dr. Smith and Dr. Dews stated that they felt that this request was necessary to help improve care and consistency of care.

After answering questions from the Executive Committee, motion was made by Dr. Crawford, seconded by Dr. Easterling, and carried unanimously to grant the waiver to Southern Heart and Southern Bone & Joint Specialists. The Executive Committee unanimously agreed that any exceptions requested for waivers in the future should appear before the Executive Committee and will be granted on a case-by-case basis.

REQUEST FROM COASTAL FAMILY HEALTH CENTER, BILOXI, MS, REQUESTING WAIVER FOR THE NUMBER OF BACK-UP PHYSICIANS FOR PHYSICIAN ASSISTANTS

Dr. Craig advised that Coastal Family Health Center was also requesting a waiver for the number of back-up physicians for physician assistants.

Motion was made by Dr. Crawford, seconded by Dr. Easterling, and carried unanimously to invite Coastal Family Health Center to the November Executive Committee to discuss their need for a waiver.

EXECUTIVE COMMITTEE MINUTES

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DISCUSS CHAPTER 26, RULES OF PROCEDURE

Dr. Craig briefly covered our rules and regulations concerning the Rules of Procedure and stated that we have become lax in enforcing our regulations. The Executive Committee agreed that when a physician has been invited to appear before the Board or Executive Committee that either the physician or their attorney should appear and request the Continuance as well as one of them being present to answer any possible questions concerning Consent Orders. Also, the Executive Committee unanimously agreed that the Board should enforce all of the Board's rules and regulations.

DISCUSS STANDING ORDERS FOR PHARMACIST ADMINISTERED IMMUNIZATIONS

Dr. Craig briefly discussed the standing orders for pharmacist administered immunizations. Dr. Craig advised that the protocol for Target pharmacists lists a Mississippi licensed physician that lives in Seattle, WA. Also, Dr. Craig advised that the Board of Pharmacy allows pharmacists to administer as they feel it is in their realm of authority to administer immunizations.

OTHER BUSINESS

Dr. Craig briefly discussed a letter that had been written to the MS Department of Information Technology Services (ITS) that will be addressed at tomorrow's Board meeting to grant formal authorization for ITS to allow access of certain information between the Board of Nursing and the Medical Board.

Dr. Craig discussed a fax from Dr. Nedra Jackson requesting that she be allowed to take a two (2) month job offer at a Wellness Center in Jacksonville, FL. Dr. Jackson is currently under a Board Order that states that she has to have her practice settings approved in advance by the Board.

After discussing Dr. Jackson's request, motion was made by Dr. Easterling, seconded by Dr. Crawford, and carried unanimously to deny her request as the Executive Committee felt the offer was not in her best interest.

REVIEW OF SEPTEMBER 16, 2010, BOARD AGENDA

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

EXECUTIVE COMMITTEE MINUTES

September 15, 2010

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ADJOURNMENT

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



**WILLIAM S. MAYO, D.O.
PRESIDENT**

Minutes taken and transcribed
by Sherry Harris
Staff Officer
September 15, 2010

AGREEMENT TO APPEAR INFORMALLY BEFORE EXECUTIVE COMMITTEE

I, Thomas G. Foreman, 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 15 day of September, 2000.

Witness:

Sherry Harris

Thomas G. Foreman

AGREEMENT TO APPEAR INFORMALLY BEFORE EXECUTIVE COMMITTEE

I, Mark H. Strong, 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 15 day of September, 2010.

Mark H. Strong MD

Witness: Sherry Lewis

AGREEMENT TO APPEAR INFORMALLY BEFORE EXECUTIVE COMMITTEE

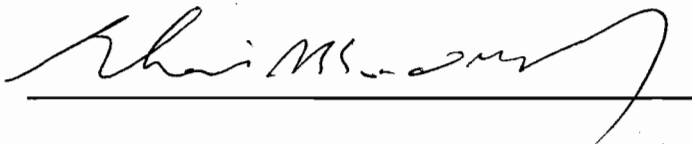
I, Elias Abboud, M.D., have requested an opportunity to appear informally before the Executive Committee of the Mississippi State Board of Medical Licensure (hereinafter "Board") to discuss possible resolution of a pending disciplinary matter/investigation or to respond to a complaint duly received by 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 15 day of September, 2010:



Witness:



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

OF

COLEMAN HENLEY, JR., M.D.

CONSENT ORDER

WHEREAS, Coleman Henley, Jr., M.D., hereinafter referred to as "Applicant," practiced medicine in the state of New York for approximately thirty-eight (38) years and has been mainly engaged in the practice of obstetrics and gynecology; and

WHEREAS, on or around September 2008, Applicant retired from the active practice of medicine; and

WHEREAS, on or around May 2009, Applicant completed a 6-week physician refresher course at Drexel University College of Medicine in order to update his obstetrics and gynecology skills;

WHEREAS, it is the desire of the Applicant to provide assurance of continued competency to the Mississippi State Board of Medical Licensure by agreeing to submit to certain conditions for licensure;

NOW, THEREFORE, in consideration of the Applicant receiving a license to practice medicine in the state of Mississippi, Applicant agrees to the following probationary terms and conditions for an indefinite period of time:

1. Applicant's practice in the state of Mississippi shall be limited to office-based obstetrics and gynecology. Hospital practice is expressly prohibited.

2. Applicant shall not perform any deliveries or surgeries of any kind in the State of Mississippi unless specifically authorized in writing by the Mississippi State Board of Medical Licensure.
3. Applicant shall reimburse the Board of all costs incurred in relation to the pending matter pursuant to Mississippi Code Ann. §73-25-30. Applicant shall be advised of the total assessment by separate written notification, and shall tender to the Board a certified check or money order within forty (40) days from the date the assessment is mailed to Applicant.

In the event Applicant fails to comply with or violates any or all 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.

Applicant shall have the right to petition the Mississippi State Board of Medical Licensure for a release of any or all of the above enumerated conditions after expiration of one (1) year from the effective day hereof. Thereafter, any right to petition the Board for reconsideration shall be at reasonable intervals, but not less than twelve (12) months from date of last appearance.

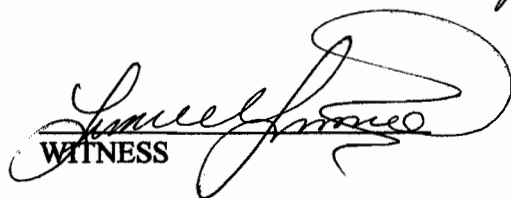
This Consent Order shall be subject to approval by the Mississippi State Board of Medical Licensure. If the Board fails to approve the Consent Order, in whole or in part, it shall have no force or effect on the parties. It is further understood and agreed that the purpose of this Consent Order is to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

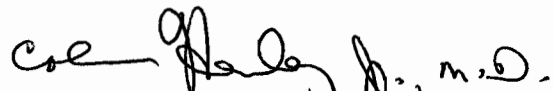
with its consideration of the Consent Order. Should the Consent Order not be accepted by the Board, it is agreed that presentation to and consideration of the Consent Order and other documents and matters pertaining thereto by the Board shall not unfairly or illegally prejudice the Board or any of its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

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

Recognizing his right to notice of charges specified against him, to have such charges adjudicated pursuant to Mississippi Code Annotated, Section 73-25-1 (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, Coleman Henley, Jr., M.D., nonetheless, hereby waives his right to notice and a formal adjudication of charges and authorizes the Board to enter an order accepting this Consent Order, thereby issuing to him a license to practice medicine in the state of Mississippi subject to conditions enumerated above.

Signed this the 27th day of July, 2010.

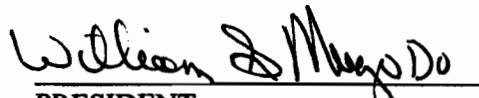

WITNESS


COLEMAN HENLEY, JR., M.D.





ACCEPTED AND APPROVED, this the 16th day of Sept., 2010, by the Mississippi State Board of Medical Licensure.


PRESIDENT

BOARD

MEETING

MINUTES

BOARD MINUTES
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
SEPTEMBER 16, 2010

The regularly scheduled meeting of the Mississippi State Board of Medical Licensure was held on Thursday, July 22, 2010, in the Board Room of the Office of the Board located at 1867 Crane Ridge Drive, Jackson, Mississippi.

The following members were present:

William S. Mayo, D.O., Oxford, President
S. Randall Easterling, M.D., Vicksburg, Vice President
Virginia M. Crawford, M.D., Hattiesburg, Secretary
Larry B. Aycock, M.D., McComb
William B. Jones, M.D., Greenwood
Philip T. Merideth, M.D., J.D., Jackson
Charles D. Miles, M.D., West Point

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 Carrillo, Special Projects Officer, Investigative Division
Sherry Harris, Staff Officer
Cecil R. Burnham, Jackson, Consumer Health Committee
Charles Thomas, Yazoo City, Consumer Health Committee

Not present:

Wesley Breland, Hattiesburg, Consumer Health Committee

The meeting was called to order at 9:00 a.m. by Dr. Mayo, President. The invocation was given by Dr. Crawford and the pledge was led by Dr. Miles. Dr. Mayo welcomed the Court Reporter, Dawn Dilliard-Stubblefield, and extended a welcome to all visitors present at the meeting.

Dr. Mayo opened the floor for public comments. Neely Carlton, with the Mississippi State Medical Association (MSMA), introduced Chris Espy, an attorney recently hired by MSMA handling government relations, and stated that he would be working with the Board in the future. Dr. Mayo asked Dr. Craig to introduce Mrs. Craig since she was attending today's meeting.

BOARD MINUTES
September 16, 2010
Page 2

APPROVAL OF CERTIFICATION OF MISSISSIPPI LICENSES TO OTHER ENTITIES FOR THE PERIOD JULY 01, 2010, THROUGH AUGUST 31, 2010

One hundred fifty-five (155) licenses were certified to other entities for the period July 01, 2010, through August 31, 2010. Motion was made by Dr. Easterling, seconded by Dr. Aycock, and carried unanimously to approve these certifications.

APPROVAL OF LICENSES ISSUED FOR THE PERIOD JULY 01, 2010, THROUGH AUGUST 31, 2010

One hundred seven (107) licenses were issued for the period July 01, 2010, through August 31, 2010. Motion was made by Dr. Merideth, seconded by Dr. Easterling, and carried unanimously to approve these licenses.

REVIEW OF MINUTES OF THE EXECUTIVE COMMITTEE MEETING DATED JULY 21, 2010, AND MINUTES OF THE BOARD MEETING DATED JULY 22, 2010

Minutes of the Executive Committee meeting dated July 21, 2010, and Minutes of the Board Meeting dated July 22, 2010, were reviewed. Dr. Merideth moved for approval of the minutes as submitted. Dr. Aycock seconded the motion, and it carried unanimously.

REPORT OF SEPTEMBER 15, 2010, EXECUTIVE COMMITTEE MEETING

Dr. Craig briefly covered issues that were discussed/approved by the Executive Committee on September 15, 2010. Information pertaining to the Executive Committee decisions is included in the Executive Committee Minutes dated September 15, 2010.

Motion was made by Dr. Aycock, seconded by Dr. Jones, and carried unanimously to ratify all the issues/actions approved and reported by the Executive Committee on September 15, 2010.

REPORTS FROM COMMITTEES

Consumer Health - Mr. Breland (Chair), Mr. Burnham, Mr. Thomas

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

Education & Workforce - Dr. Mayo, Dr. Jones

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

BOARD MINUTES
September 16, 2010
Page 3

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

Dr. Crawford advised that the Joint Practice Committee had a meeting on Wednesday, September, 15, 2010, to discuss Free Clinics. Dr. Crawford advised that after much discussion that she would be querying other states to see how they handle Free Clinics and how their management leadership worked with nurse practitioners and physician assistants.

Professional Health Program - Dr. Mayo, Dr. Merideth

Dr. Mayo advised that they had a meeting this morning to work on concerns with the current Memorandum of Understanding.

Rules, Regulation & Legislative - Dr. Easterling (Chair), Dr. Jones, Dr. Miles

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

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

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. THOMAS ARRIVED AT THE MEETING AT 9:20 A.M.

PRESENTATION BY GENIE STARK THOMAS, ATTORNEY, WITH BALCH & BINGHAM CONCERNING PROPOSED IMMUNIZATION PROGRAMS

Dr. Craig advised that the Board had through emails approved the proposed immunization program submitted by Balch & Bingham, but was pleased to have two (2) representatives come and make a presentation and address any concerns Board members may have relative to mass immunization programs.

Dr. Craig introduced Ms. Dineta Newman and Ms. Genie Stark Thomas, who are employed with Balch & Bingham. Dr. Mayo asked Ms. Newman who they were representing and she stated Maxim Health Systems.

Ms. Newman and Ms. Stark Thomas gave an informative presentation on how Maxim handles mass immunizations and how they were meeting their goals. They advised that Maxim operates in all 50 states and briefly covered their safety program,

BOARD MINUTES
September 16, 2010
Page 4

screening of patients, and how they follow the CDC's guidelines for storing and administering vaccinations.

After answering questions from the Board, the Board unanimously agreed that our current rules and regulations need to be reviewed relative to the community immunization policy. Dr. Mayo referred the matter to Dr. Easterling and the Rules, Regulation and Legislative Committee for proposed changes.

THE BOARD RECESSED AT 10:55 A.M. AND RECONVENED AT 11:05 A.M.

HEARING IN THE CASE OF ANDREW JAMES PETERSON, D.O., KEESLER/AFB, MISSISSIPPI MEDICAL LICENSE NUMBER 20037

Mr. Ingram, Complaint Counsel for the Board, addressed the Board and introduced Dr. Peterson and his attorney, Rufus Alldredge. Mr. Ingram briefly covered the Summons and Affidavit. Mr. Ingram advised that Dr. Peterson was not contesting the Consent Order that had been sent to him to sign but was here wanting to discuss possible changes.

Dr. Peterson was called to the witness stand and was sworn in by the court reporter. Mr. Ingram introduced Dr. Peterson and Mr. Alldredge. Mr. Alldredge addressed the Board and stated that Dr. Peterson was here to accept responsibility and not to contest the charges. Mr. Alldredge advised that he would cover the requested changes to the proposed Consent Order. Mr. Alldredge stated that the word "guilty" on page 1 was incorrect as Dr. Peterson had acknowledged responsibility and guilty was incorrect language. Mr. Alldredge stated that Dr. Peterson would request that the Order allow him to practice at Keesler AFB, and to request that the Board make the suspension effective as of May 25, 2010.

After questioning Dr. Peterson, motion was made by Dr. Easterling, seconded by Dr. Crawford, and carried unanimously that the Board enter into Executive Session to discuss the matter and Dr. Peterson's request.

Upon a motion by Dr. Jones, seconded by Dr. Easterling, and carried unanimously the Board came out of Executive Session at which time Dr. Mayo asked Dr. Crawford to report on the Board's decision. Dr. Crawford advised that the Board had voted on three (3) motions: 1) to move that "guilty" be struck on page 1 (c) and will now read, "was found in a US Air Force XV hearing to have prescribed controlled substances to civilian, non-military personnel, and committing an act of fraud against the U.S. Government as a result of shipping household goods of non-military personnel at the Government's expense; 2) deny request to modify page 3 item #1 to address Dr. Peterson's military obligation since as written it should not affect his military practice at

BOARD MINUTES
September 16, 2010
Page 5

Keesler, and; 3) suspension of Mississippi license for one (1) year begins the day Dr. Peterson signs Consent Order. Upon expiration of the one (1) year, Licensee shall have the right but not the obligation to petition for reinstatement. A copy of the Board's order is attached hereto and incorporated by reference.

OTHER BUSINESS

MISSION STATEMENT

Dr. Craig briefly discussed the Board's Mission Statement and the change to add acupuncturists since they are under the Board's authority. Motion was made by Dr. Aycock, seconded by Dr. Jones, and carried unanimously to accept the change to the Mission Statement. A copy of the Mission Statement is attached hereto and incorporated by reference.

CHAPTER 17, THE PRACTICE OF ACUPUNCTURE

Dr. Craig briefly covered the proposed changes to the regulation concerning The Practice of Acupuncture. After further discussion concerning the proposal, Dr. Mayo referred the matter to the Rules, Regulation and Legislative Committee for further review and to report back with their proposal.

APPROVAL OF LETTER TO BE SENT TO DEPARTMENT OF INFORMATION TECHNOLOGY SERVICES (ITS)


Dr. Craig briefly covered a letter from MSBML to the Department of Information Technology Services that would grant approval for the Board of Nursing to have read access to certain information stored in our physician records database. Dr. Craig also supplied a copy of a letter from the Board of Nursing granting their approval for information that would be supplied to MSBML from their database.

After discussion, motion was made by Dr. Easterling, seconded by Dr. Crawford, and carried unanimously to approve sending the letter to ITS.

ADJOURNMENT

There being no further business, the meeting adjourned at 11:20 a.m., with the next scheduled meeting for Thursday, November 18, 2010.

BOARD MINUTES
September 16, 2010
Page 6



WILLIAM S. MAYO, D.O.
PRESIDENT

Minutes taken and transcribed
by Sherry Harris
Staff Officer
September 16, 2010

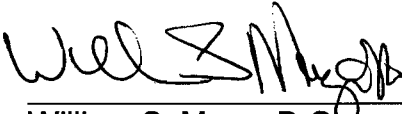
**EXECUTIVE SESSION
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
SEPTEMBER 16, 2010**

AGENDA ITEM: XI. Hearing in the case of Andrew James Peterson, D.O.

MOTION #1

In a motion made by Dr. Aycock, seconded by Dr. Easterling, and carried unanimously the Board moved that "guilty" be struck on page 1 c. It will now read "was found in a U.S. Air Force Article XV hearing of prescribing controlled substances to civilian, non-military personnel, and committing an act of fraud against the U.S. Government as a result of shipping household goods of non-military personnel at the Government's expense."

<u>VOTE:</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Larry B. Aycock, M.D.	X			
Virginia M. Crawford, M.D.	X			
S. Randall Easterling, M.D.	X			
William B. Jones, M.D.	X			
William S. Mayo, D.O.	X			
Philip T. Merideth, M.D., J.D.	X			
Charles D. Miles, M.D.	X			



William S. Mayo, D.O.
President

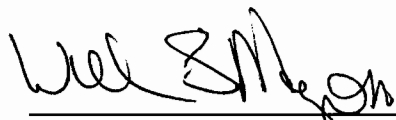
**EXECUTIVE SESSION
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
SEPTEMBER 16, 2010**

AGENDA ITEM: XI. Hearing in the case of Andrew James Peterson, D.O.

MOTION #2

In a motion made by Dr. Aycock, seconded by Dr. Easterling, and carried unanimously the Board voted to deny the request to modify page 3 #1 to address Dr. Peterson's military obligation since as written it should not affect his military practice at Keesler.

<u>VOTE:</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Larry B. Aycock, M.D.	X			
Virginia M. Crawford, M.D.	X			
S. Randall Easterling, M.D.	X			
William B. Jones, M.D.	X			
William S. Mayo, D.O.	X			
Philip T. Merideth, M.D., J.D.	X			
Charles D. Miles, M.D.	X			



William S. Mayo, D.O.
President

**EXECUTIVE SESSION
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
SEPTEMBER 16, 2010**


AGENDA ITEM: XI. Hearing in the case of Andrew James Peterson, D.O.

MOTION #3

In a motion made by Dr. Easterling, seconded by Dr. Jones, in a six (6) vote for, one (1) vote against, the Board voted that the suspension on Dr. Peterson's Mississippi medical license for one (1) year begins the day Dr. Peterson signs the Consent Order. Upon expiration of the one (1) year, Licensee shall have the right but not the obligation to petition for reinstatement.

<u>VOTE:</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Larry B. Aycock, M.D.	X			
Virginia M. Crawford, M.D.	X			
S. Randall Easterling, M.D.	X			
William B. Jones, M.D.	X			
William S. Mayo, D.O.	X			
Philip T. Merideth, M.D., J.D.		X		
Charles D. Miles, M.D.	X			

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



William S. Mayo, D.O.
President

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

ANDREW JAMES PETERSON, D.O.

CONSENT ORDER

WHEREAS, ANDREW JAMES PETERSON, D.O., hereinafter referred to as "Licensee," is the current holder of License Number 20037 issued on November 27, 2007, to practice medicine in the State of Mississippi;

WHEREAS, the Investigative Staff of the Board has conducted a comprehensive investigation into the medical practice of Licensee in Gulfport, Mississippi, and has in its possession evidence indicating that Licensee:

- a. 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;
- b. failed to properly maintain inventories, logs, and records of controlled substances purchased and dispensed;
- c. was found in a U.S. Air Force Article XV hearing to have prescribed controlled substances to civilian, non-military personnel, and to have committed an act of fraud against the U.S. Government as a result of shipping household goods of non-military personnel at the Government's expense;
- d. prescribed controlled substances on or about July 7, 2007, to civilian, non-military personnel, without a license to practice medicine in Mississippi;

- e. failed to maintain proper security of controlled substances stored on the premises of his private walk-in clinic, i.e. multiple vials of injectable Schedule II controlled substance had been tampered and adulterated;
- f. falsified his application to practice medicine in the State of Mississippi by failing to reveal and denying that he had been the subject of an investigation or disciplinary proceeding by any licensing agency, i.e. Article XV proceedings before the US Air Force pursuant to the Uniform Code of Military Justice (UCMJ);
- g. falsified his 2008 and 2009 applications for the renewal of his Mississippi medical license by failing to reveal the true facts regarding the actions taken by the US Air Force pursuant to the Uniform Code of Military Justice (UCMJ);

WHEREAS, on or about May 4, 2010, Licensee signed a voluntary surrender of controlled substance privileges, thereby relinquishing Licensee's Drug Enforcement Administration (DEA) Uniform Controlled Substances Registration Certificate for schedules II, IIN, III, IIIN, IV, and V;

WHEREAS, the above enumerated conduct, if established before the Board, constitutes violation of the Mississippi Medical Practice Act and specifically, Subsections (3), (7), (8)(d) and (13) of Miss. Code Ann. § 73-25-29, and Miss. Code Ann. § 73-25-83(a) for which the Board may revoke the medical license of Licensee, suspend it for a time deemed proper by the Board, or take any other action as the Board may deem proper under the circumstances;

WHEREAS, it is the desire of Licensee to resolve this matter and thus avoid a hearing before the Mississippi State Board of Medical Licensure and, in lieu thereof, Licensee has agreed to enter into a Consent Order which would, upon execution by the Board, terminate the current investigation and avoid formal disciplinary hearing before the Board;

WHEREAS, the Board, after due consideration, is of the opinion that it should enter into a Consent Order consistent with the preamble heretofore.

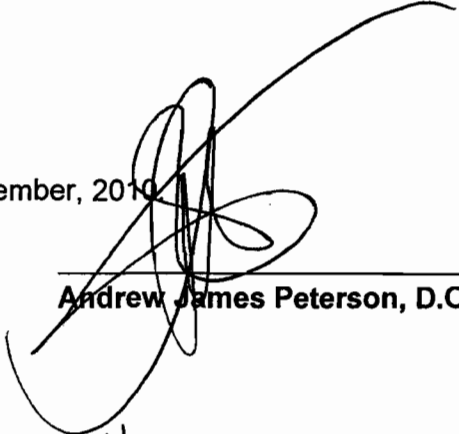
NOW, THEREFORE, the Mississippi State Board of Medical Licensure with the consent of Licensee as signified by his joinder herein, agrees to the following:

1. Licensee's medical license (No. 20037) to practice medicine in the State of Mississippi is hereby suspended for a period of one (1) year from the date of execution of this order, with no stay of the suspension. Upon expiration of the one (1) year, Licensee shall have the right, but not the obligation, to petition the Board for reinstatement of licensure. Licensee understands that the suspension is reportable as disciplinary action to the National Practitioner Data Bank, and is a public record of the State of Mississippi.
2. During the one (1) year period of suspension, Licensee shall attend and successfully complete four (4) Board approved courses in the following areas: (i) Prescribing of Controlled Drugs; (ii) Medical Ethics; (iii) Medical Records and Treatment Documentation; and (iv) Sexual Boundary Issues.
3. Pursuant to Miss. Code Ann. § 73-25-30, Licensee shall pay all costs of the investigation and proceedings 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 date Licensee receives the aforementioned notification;

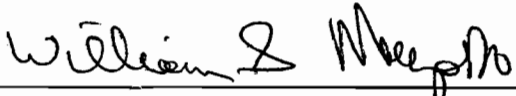
This Consent Order shall be subject to approval by the Board. If the Board fails to approve this Consent Order, in whole or in part, it shall have no force or effect on the parties. It is further understood and agreed that the purpose of this Consent Order is to avoid a hearing

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. Further, it is not the intent or purpose of this Consent Order to encourage malpractice liability as a result of Board action.

Recognizing his right to notice of charges specified against him, to have such charges adjudicated pursuant to Miss. Code Ann. 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, **Andrew James Peterson, D.O.**, nonetheless, hereby waives his right to notice and a formal adjudication of charges and authorizes the Board to enter an order accepting this Consent Order, thereby suspending his license to practice medicine in the State of Mississippi for one (1) year, subject to those terms and conditions listed above.

EXECUTED this the 16th day of September, 2010


Andrew James Peterson, D.O.

ACCEPTED AND APPROVED this the 16th day of September, 2010 by the
Mississippi State Board of Medical Licensure.


William S. Mayo, D.O., President
Mississippi State Board of Medical Licensure

Mission Statement: The mission of the Mississippi State Board of Medical Licensure is to ensure the protection of the health, safety and welfare of Mississippians through implementation and enforcement of laws involving the licensing and regulation of physicians, podiatrists, physician assistants, and radiology assistants and acupuncturists and through the objective enforcement of the Mississippi *Medical Practice Act*.

TELEPHONE: (601) 987-3079



FAX: (601) 987-4159

MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

September 16, 2010

Mr. David Litchliter, Executive Director
Mississippi Department of Information Technology Services
301 North Lamar Street, Suite 508
Jackson, Mississippi 39201-1495

Dear Mr. Litchliter:

In an effort to improve the online renewal process for the physicians and nurse practitioners in collaborative practice in the state of Mississippi, the Mississippi State Board of Medical Licensure (MSBML) grants the Mississippi Board of Nursing (BON) read access to the following information stored in our physician records database: disciplinary flag, status, and physician's full name. In addition to this read access, the MSBML also grants the BON permission to store the following data: physician license number and last name in their database.

Please accept this letter as a formal authorization for ITS to allow the BON's online application system to access the MSBML's data as listed above. If you have any questions, please contact me or Rhonda Freeman at (601) 987-0223.

Sincerely,

H. Vann Craig, M.D.
Executive Director

HVC:rbf

H:\WP\physician profile2\2010 BON MSBML Agreement ltr.wpd

MISSISSIPPI

BOARD OF NURSING

1080 River Oaks Drive, Suite A100
Flowood, MS 39232-9779
Telephone: (601) 664-9303
Facsimile: (601) 664-9304
www.msbn.state.ms.us



August 8, 2010

David Litchliter, Executive Director
Mississippi Department of
Information Technology Services
301 North Lamar Street, Suite 508
Jackson MS 39201-1495

Mr. Litchliter,

In an effort to improve the online renewal process for the physicians and nurse practitioners in collaborative practice, the Mississippi Board of Nursing (BON) grants the Mississippi Board of Medical Licensure (BML) read access to the following information stored in our records: disciplinary flag, status, nurse full name. In addition to this read access, the BON also grants BML the permission to store the following: nurse license number and last name, in their database. Please accept this letter as a formal authorization for ITS to allow BML's online application to access BON data as listed above.

If you have any questions or concerns please contact me at my desk phone at 601-664-9349 or email mrush@msbn.state.ms.us.

Sincerely,

Melinda E Rush

Melinda Rush, DSN, RN
Executive Director

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MS DEPT OF ITS

NOVEMBER 2010

**MINUTES
EXECUTIVE COMMITTEE MEETING
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
NOVEMBER 17, 2010**

MEMBERS PRESENT:

William S. Mayo, D.O., Oxford, President
S. Randall Easterling, M.D., Vicksburg, Vice President
Virginia M. Crawford, M.D., Hattiesburg, 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
Leslie Ross, Investigations Supervisor
Frances Carrillo, Special Projects Officer, Investigative Division
Jonathan Dalton, Investigator, Investigative Division
Ruby Litton, RN, Compliance Nurse
Sherry Harris, Staff Officer

VISITORS:

Mike Moore, Representing Nurses Association
Lee Martin, Representing Nurses Association
Jonathan Compretta, Representing Nurses Association
George Wilkerson, Mississippi Professionals Health Program
Wessie Sims, Mississippi Professionals Health Program
Chris Espy, Mississippi State Medical Association

NOT PRESENT:

Stan T. Ingram, Complaint Counsel for the Board

The Executive Committee of the Mississippi State Board of Medical Licensure met on Wednesday, November 17, 2010, at 1:00 p.m. in the Executive Conference Room of the Office of the Board located at 1867 Crane Ridge Drive, Jackson, Mississippi.

EXECUTIVE COMMITTEE MINUTES

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PERSONAL APPEARANCE BY MALCOLM LOUIS LATOUR, SR., M.D., OCEAN SPRINGS, MISSISSIPPI MEDICAL LICENSE NUMBER 07901

Dr. Craig advised that the Board had requested that Dr. Latour personally appear to discuss his fitness to practice medicine. Dr. Craig advised that Dr. Latour had called and followed up in writing that he is physically handicapped and unable to appear. From Dr. Latour's letter, the Executive Committee concluded that Dr. Latour is able to attend bridge club meetings as well as noting that the incident that occurred happened in New Orleans, LA.

After a brief discussion, motion was made by Dr. Easterling, seconded by Dr. Crawford, and carried unanimously to advise Dr. Latour that he has two (2) options. 1) He can either retire his license; or, 2) he can appear before the Executive Committee on January 19, 2011, to discuss the concerns the Board has with his ability to continue safely practicing medicine.

PERSONAL APPEARANCE BY JAMES CARL MANUELE, JR., M.D., GRENADA, MISSISSIPPI MEDICAL LICENSE NUMBER 19466

Dr. Craig advised that Dr. Manuele had been invited to discuss possible boundary issues and questions concerning his reported diagnosis of ADHD and use of Adderall for treatment. Also, Dr. Craig advised his concerns that Dr. Manuele does not want to enter into a contract with the Mississippi Professionals Health Program (MPHP).

Dr. Manuele joined the meeting and was represented by Tom Kirkland, legal counsel. Dr. Manuele had executed a written agreement for this informal meeting, a copy of which is attached and incorporated by reference.

Dr. Manuele advised that he has not taken any Adderall since October and his main concern with signing a contract has to do with how it could affect the outcome of a custody battle in which he is currently involved.

Dr. Wilkerson, Medical Director of MPHP, discussed their concerns with his boundary issues as well as the need for an evaluation to determine if Dr. Manuele has ADHD.

Dr. Mayo requested that the Executive Committee go into Executive Session to discuss those issues concerning Dr. Manuele.

Upon a motion by Dr. Easterling, seconded by Dr. Crawford, and carried unanimously the Executive Committee came out of Executive Session, and Dr. Mayo discussed the decision. Dr. Mayo advised that after a brief discussion, motion was

EXECUTIVE COMMITTEE MINUTES

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made by Dr. Crawford, seconded by Dr. Easterling, and carried unanimously to advise Dr. Manuele that he should have an evaluation for ADHD as recommended by MPHP, as well as sign the two (2) year monitoring contract with MPHP for continued monitoring.

PERSONAL APPEARANCE BY PERSHARON M. DIXON, M.D., BILOXI, MISSISSIPPI MEDICAL LICENSE NUMBER 19475

Dr. Craig advised that Dr. Dixon had been invited to appear to discuss a request for a waiver of supervision of intermediate level practitioners at their clinic.

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

After introductions, Dr. Dixon briefly explained how Coastal Family Health Clinic operates and stated that due to the addition of two (2) clinics in 2011 they could have problems with coverage. Dr. Dixon advised that she was requesting that a physician be allowed to be the primary for two (2) mid-level providers as well as the backup for another two (2) mid-level providers.

After answering questions from the Executive Committee, Dr. Mayo thanked Dr. Dixon for appearing and advised her that a decision would be made after discussing the matter with the Full Board on Thursday.

Following further discussion, motion was made by Dr. Easterling, seconded by Dr. Crawford, and carried unanimously that Dr. Dixon's request falls within the Board's guidelines for collaborative relationships with the exception of one (1) clinic that is over 15 miles from the physician. Dr. Dixon was asked to check and see if this clinic has been approved as a free standing clinic and advise the Board as to that status.

REQUEST FROM MILDRED CLARKE, M.D., BROOKLYN, NY, VOLUNTEER LICENSE NUMBER V-009

Dr. Craig advised that he had received a request from Dr. Clarke that she be allowed to have the ability to follow patients seen in the clinic that are admitted to the hospital.

After a brief discussion, it was the consensus of the Executive Committee to advise Dr. Clarke that her request is an issue that should be resolved by the hospital rather than the Board. Also, Dr. Clarke should be advised that a special volunteer license allows her to donate medical care and treatment of indigent and needy persons,

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and that she is not allowed to be reimbursed for any services which would include Medicare, Medicaid, private insurance or private pay patients.

REQUEST FROM STANLEY RUSSELL, M.D., BRANDON, MISSISSIPPI MEDICAL LICENSE NUMBER 03623

Dr. Craig advised that the Board had received a request from Dr. Russell that his license be restored with full prescribing privileges to assist Region VIII with their increasing demand for psychiatric services.

After a brief discussion, motion was made by Dr. Easterling, seconded by Dr. Crawford, and carried unanimously to deny Dr. Russell's request.

PERSONAL APPEARANCE BY ALFRED MCNAIR, M.D., PASCAGOULA, MISSISSIPPI MEDICAL LICENSE NUMBER 08621

Dr. Craig advised that Dr. McNair had been invited to appear to address his request for an exception of the Board's policy which allows physician assistants to have only three back-up physicians.

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

After introductions, Dr. McNair provided a very informative discussion on how the practice group currently utilizes intermediate level practitioners. After responding to questions from the Executive Committee, Dr. Mayo thanked Dr. McNair for appearing and told him that the Board would advise him of their decision later.

After further discussion, motion was made by Dr. Crawford, seconded by Dr. Easterling, and carried unanimously that due to the manner in which their group functions that an exception will be granted so that any intermediate level practitioner may work with any physician in the group. It was further discussed to advise Dr. McNair that it is still necessary for a single physician to function as the primary supervising physician with any of the intermediate level practitioners.

PERSONAL APPEARANCE BY CHARLES DAVID FINCH, JR., M.D., CLINTON, MISSISSIPPI MEDICAL LICENSE NUMBER 10768

Dr. Craig advised that Dr. Finch was served with an Order of Prohibition on October 18, 2010, and that he had requested to appear before the Executive Committee to discuss the matter.

EXECUTIVE COMMITTEE MINUTES

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

Pamela Ratliff, Complaint Counsel for the Board, discussed with Dr. Finch the concerns that Dr. Easterling and Dr. Crawford had based on their relationship and familiarity with him, and their offer to recuse themselves should he request. Dr. Finch advised he did not have any problems with their serving on the Committee and wished to proceed.

Dr. Craig asked Dr. Finch to discuss his failure to comply with MPHP's recommendations for inpatient medical detoxification and control of his headaches. Dr. Finch stated that he does not want to go to a program that he knows is setting him up for failure, as he has to have medication for his migraines and cannot be abstinent from his headache medication. Dr. Finch advised that smoking triggers his headaches and that Cumberland Heights is a smoking facility which prevents him from going there.

Dr. Wilkerson addressed the Executive Committee and agreed that most of the treatment centers do allow smoking, but that he would be happy in try to accommodate Dr. Finch in securing an acceptable smoke-free facility.

After further discussion, Dr. Mayo thanked Dr. Finch for appearing and advised him that the Executive Committee would discuss and take the matter to the Full Board on Thursday for their approval and advise him of the decision.

Motion was made by Dr. Easterling, seconded by Dr. Crawford, and carried unanimously that the Executive Committee enter into Executive Session to discuss the matter concerning Dr. Finch.

After a brief discussion, motion was made by Dr. Easterling, seconded by Dr. Crawford, and carried unanimously that the Board return from Executive Session where Dr. Mayo advised that in a motion from Dr. Easterling, seconded by Dr. Crawford, and carried unanimously that the Board is to advise Dr. Finch that his prohibition from the practice of medicine is continued and still in effect at this time, and that he is to comply with the recommendations of MPHP for an inpatient detoxification of his current medications, as well as an evaluation of medications used for his headaches. MPHP has offered to assist in finding an approved smoke-free facility to accomplish the treatment and evaluation. Upon completion of MPHP's requirements, Dr. Finch may petition the Executive Committee for permission to return to the practice of medicine.

THE EXECUTIVE COMMITTEE RECESSED AT 3:25 P.M. AND RETURNED AT 3:30 P.M.

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**PERSONAL APPEARANCE BY KIANDOKHT PARTOVI, M.D., SOUTHAVEN,
MISSISSIPPI MEDICAL LICENSE NUMBER 18636**

Dr. Craig advised that Dr. Partovi had been invited to appear before the Executive Committee to discuss her revocation of clinical privileges at Baptist Memorial Hospitals, Memphis, TN., due to concerns the hospital had with her lacking basic medical knowledge of diabetes mellitus, electrolyte balance and therapeutics. Dr. Craig advised that Dr. Partovi has worked as a Hospitalist at Greenwood Leflore Hospital for the past eighteen (18) months.

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

Dr. Partovi addressed the Executive Committee and handed out several letters of recommendation, a list of Continuing Medical Education that she has recently completed, and a letter from her attorney, Dan Warlick, summarizing the circumstances under which Dr. Partovi's staff privileges at Baptist Memorial Hospitals in Memphis, TN., were revoked.

After responding to several questions from the Executive Committee, motion was made by Dr. Easterling, seconded by Dr. Crawford, and carried unanimously that the Executive Committee enter into Executive Session to discuss the matter.

Upon a motion made by Dr. Easterling, seconded by Dr. Crawford, and carried unanimously the Executive Committee came out of Executive Session where Dr. Mayo advised that in a motion by Dr. Easterling, seconded by Dr. Crawford, and carried unanimously, the Executive Committee unanimously voted to allow Dr. Partovi to continue to practice, but agreed that she should have an evaluation of her clinical competence performed by the Center for Personalized Education for Physicians (CPEP) in Denver, CO. Dr. Partovi is to contact CPEP to make an appointment and to notify the Board of the appointment date and time within the next ninety (90) days.

**PERSONAL APPEARANCE BY SANDRA FALGOUT BURFORD, M.D., VICKSBURG,
MISSISSIPPI MEDICAL LICENSE NUMBER 11009**

Dr. Craig advised that Dr. Burford had been invited to appear before the Executive Committee to discuss concerns over her qualifications to participate as a consulting physician in a collaborative practice as she has not been in clinical practice for at least ten (10) years.

Dr. Burford joined the Executive Committee and was not represented by legal

EXECUTIVE COMMITTEE MINUTES

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counsel. Dr. Burford did not sign the Agreement to Appear Informally before Executive Committee form as she had several concerns with the language used in the form. After discussion, Mrs. O'Neal and Ms. Ratliff advised the form was a boilerplate form and needed some critiquing but that if she objected to signing the form she could appear without signing. Before the discussion, Ms. Ratliff questioned Dr. Burford as to whether she agreed to appear before the Executive Committee voluntarily to answer questions, and she agreed to appear before the Executive Committee without counsel.

Dr. Burford addressed the Executive Committee and advised her current job status and responded to several questions from the members of the Executive Committee. Following a brief discussion, motion was made by Dr. Easterling, seconded by Dr. Crawford, and carried unanimously that the Board enter into Executive Session to discuss the matter.

Mike Moore, attorney representing the Nurses Association, questioned the Executive Committee as to their reason to enter into Executive Session and advised that the Committee was in violation of the statute concerning entering into Executive Session. Mrs. O'Neal cited Mississippi Code Section 25-41-7 (4) (b) and advised that the Executive Committee is authorized to enter into Executive Session to discuss a matter relating to issuance of an appealable order. Mr. Moore advised that he wanted the record to show that he objected to the Executive Session.

Upon a motion by Dr. Easterling, seconded by Dr. Crawford, and carried unanimously the Executive Committee came out of Executive Session. Dr. Mayo advised that during the Executive Session it was discussed that since Dr. Burford has been out of active clinical practice for an extended period of time if she should be allowed to collaborate with a nurse practitioner. Dr. Mayo advised that after Dr. Burford's appearance and responses to the Executive Committee concerning her current work status, chart reviews, and how she functions in the clinic with the mid-level providers, that the Executive Committee agreed that she appears to be very involved in the clinical setting and the Executive Committee feels that she may continue in the collaborative relationship.

DISCUSS COMPLAINT RECEIVED ON WILLIAM DOUGLAS OWEN, M.D., LAUREL, MISSISSIPPI MEDICAL LICENSE NUMBER 06448

Dr. Craig briefly covered a complaint received by the Board from an investigator with the Board of Nursing concerning Dr. Owen and his involvement with a couple of hospice locations.

After a brief discussion, the Executive Committee unanimously agreed to invite Dr. Owen to appear before the January Executive Committee to discuss why he failed

EXECUTIVE COMMITTEE MINUTES

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to examine or keep medical records on patients he enrolled into hospice facilities.

UPDATE ON JOHN L. HERZOG, M.D., GREENVILLE, MISSISSIPPI MEDICAL LICENSE NUMBER 09800

For informational purposes, Dr. Craig advised that he had requested an updated progress report on the recommendations of CPEP from Dr. Herzog concerning the deficiencies noted during his evaluation there. The Executive Committee briefly reviewed the letter from Dr. Herzog and questioned if the courses he was taking were online internet or onsite courses. The Executive Committee unanimously agreed to advise Dr. Herzog that it would only be acceptable by the Board if he enrolls in onsite study courses, not online self-guided courses.

JAMES LUTHER CRABB, M.D., JACKSON, TN, MISSISSIPPI MEDICAL LICENSE NUMBER 06812, CONSENT ORDER FROM TENNESSEE

Dr. Craig advised that Dr. Crabb's Tennessee Medical License has been placed on probation for three (3) years and that Tennessee has requested for him to undergo an evaluation at the Center for Personalized Education of Physicians (CPEP) or another Board approved program and comply with their recommendations.

After a brief discussion, it was the unanimous decision of the Executive Committee to mirror the actions taken by the Tennessee Medical Board.

MEMORANDUM OF UNDERSTANDING BETWEEN UNIVERSITY HOSPITALS AND HEALTH SYSTEM (UHHS) AND THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE (MSBML)

Dr. Craig briefly covered a meeting that he had with UHHS and the concerns that they had expressed for a position to be established to assist MSBML in processing applications for licensure for employees/affiliates of UHHS. Dr. Craig briefly discussed concerns that have recently come to light concerning this request.

After a brief discussion, the Executive Committee unanimously agreed that the confidentiality of other applications was a concern as well as the fact that the Board would have to afford other institutions the same option, should they so request, and the Board does not have the space to accommodate all the extra personnel. The Executive Committee unanimously agreed that it would be in the Board's best interest to not enter into the proposed Memorandum of Understanding with UHHS.

EXECUTIVE COMMITTEE MINUTES

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REQUEST FROM MISSISSIPPI PROFESSIONALS HEALTH PROGRAM TO ADD PASADENA RECOVERY CENTER TO THE BOARD'S APPROVED TREATMENT FACILITY LIST

Dr. George Wilkerson, Medical Director of the Mississippi Professionals Health Program, was present at the meeting and briefly covered the Pasadena Recovery Center, and advised that he had visited the center and was requesting that it be added to the Board's approved list.

After a brief discussion, motion was made by Dr. Easterling, seconded by Dr. Crawford, and carried unanimously to add the Pasadena Recovery Center to the Board's approved list of treatment facilities.

OTHER BUSINESS

JACK B. SEWELL, M.D., SARASOTA, FL, APPLICANT FOR REINSTATEMENT UPDATE

Dr. Craig advised that Dr. Sewell had appeared before the July Executive Committee to discuss a job opportunity where he would provide consultative radiology services to a clinic and hospital in Clarksdale, MS. Dr. Craig advised that at that time the Executive Committee had requested that Dr. Sewell go for an evaluation at the Center for Personalized Education for Physicians (CPEP) since he had been out of active practice for more than three (3) years. Dr. Craig advised that Dr. Sewell had gone to CPEP and completed the evaluation. Dr. Craig briefly discussed CPEP's findings.

After further discussion, a motion was made by Dr. Easterling, seconded by Dr. Crawford, and carried unanimously to offer Dr. Sewell a Mississippi license with the stipulation that he would be willing to enter into a non-reportable non-disciplinary agreement where he would agree that he will not incorporate the reading of MRI's, mammograms, fluoroscopy images, or cardiac nuclear scans in his practice of radiology in Mississippi. In addition, Dr. Sewell will agree that he will not be performing any special or invasive procedures.

A copy of the Agreement is attached hereto and incorporated by reference.

DANIEL C. GARNER, M.D., FRANKLIN, TN, MISSISSIPPI MEDICAL LICENSE NUMBER 16957

Dr. Craig advised that the Tennessee Medical Board has taken action against Dr. Garner by placing his license on probation for two (2) years and several other states

EXECUTIVE COMMITTEE MINUTES

November 17, 2010

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have taken similar action.

After a brief discussion, motion was made by Dr. Easterling, seconded by Dr. Crawford, and carried unanimously that we mirror the action taken by the Tennessee Medical Board and place his license on probation for two (2) years.

SUBPOENA REQUEST

Charles Ware, Investigator, addressed the Executive Committee and requested permission to subpoena necessary hospital records.

Motion was made by Dr. Easterling, seconded by Dr. Crawford, and carried unanimously that the Board enter into Executive Session to discuss issuance of one or more subpoenas that may affect a physician's license.

Upon a motion by Dr. Easterling, seconded by Dr. Crawford, and carried unanimously the Executive Committee came out of Executive Session at which time Dr. Mayo advised that the Executive Committee had unanimously agreed that reasonable cause did exist and made the decision to grant permission to issue the needed subpoenas for the on-going investigation. Dr. Mayo advised that the Executive Director is authorized to issue the subpoenas in this matter as needed.

AGENDA FOR BOARD MEETING

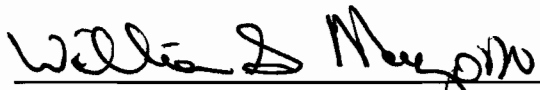
Dr. Craig briefly reviewed the agenda for tomorrow's meeting.

BOARD'S COMMITTEES

Dr. Mayo briefly discussed the current Board Committees and advised that he has been considering making some changes and eliminating ones that we no longer are utilizing and distribute the members to other committees.

ADJOURNMENT

There being no further business, the meeting adjourned at 5:40 p.m.



WILLIAM S. MAYO, D.O.
PRESIDENT

Minutes taken and transcribed
by Sherry Harris
Staff Officer
November 17, 2010

AGREEMENT TO APPEAR INFORMALLY BEFORE EXECUTIVE COMMITTEE

I, James Carl Manuele, 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: Tom Kirkland)
 without legal counsel present

EXECUTED, this the 17 day of November, 2010.

Witness: Sherry Harris

James Carl Manuele, Jr

AGREEMENT TO APPEAR INFORMALLY BEFORE EXECUTIVE COMMITTEE

I, Persharon M. Dixon, 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:

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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 17th day of November, 2010.

Persharon M. Dixon MD

Witness: Sherry Harris

AGREEMENT TO APPEAR INFORMALLY BEFORE EXECUTIVE COMMITTEE

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

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

with legal counsel present (name of counsel: _____)

without legal counsel present

EXECUTED, this the 17 day of November, 2010.

Witness:

Sherry Hains

Alfred McNair MD

AGREEMENT TO APPEAR INFORMALLY BEFORE EXECUTIVE COMMITTEE


I, Charles David Finch, 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 17th day of November, 2010.



Witness



AGREEMENT TO APPEAR INFORMALLY BEFORE EXECUTIVE COMMITTEE

I, Kiandokht Partovi, 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.
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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 17th day of NOV 2010.

Partovi

Witness: Sherry Davis

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

JACK BITTEL SEWELL, M.D.

NON REPORTABLE NON DISCIPLINARY AGREEMENT

WHEREAS, JACK BITTEL SEWELL, M.D., Sarasota, Florida, hereinafter referred to as "Licensee," has made application for reinstatement of medical license number 05320 in the state of Mississippi;

WHEREAS, on September 16, 2010, Licensee submitted to the Center for *Personalized* Education for Physicians (CPEP) in Denver, Colorado, for an Assessment Report;

WHEREAS, on November 16, 2010, the Mississippi State Board of Medical Licensure received the completed CPEP assessment report and recommendations pertaining to Licensee;

WHEREAS, Licensee desires to practice medicine in the field of radiology;

WHEREAS, Licensee agrees to certain non disciplinary, non reportable conditions for the reinstatement of his Mississippi permanent medical license and his practice of 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 place the following terms, conditions and restrictions on Licensee's Certificate (No. 05320) to practice medicine in the state of Mississippi, to-wit:

1. Licensee agrees that he will not incorporate the reading of MRIs, mammograms, fluoroscopy images, or cardiac nuclear scans in his practice of radiology in Mississippi. In addition, he will not be doing any special or invasive procedures.

It is understood and agreed that in the event of violation or noncompliance with this Agreement, and following notice and hearing on said violation or noncompliance, any action by the Mississippi State Board of Medical Licensure will be deemed disciplinary action, and all documents relating thereto, including this Agreement, will thereafter be deemed a public record and reportable to the Federation of State Medical Boards, the National Practitioner Data Bank and other entities requiring Medical Board reporting.

EXECUTED, this the 22 day of NOV., 2010.

By:


Jack Bittel Sewell, M.D.

BOARD

MEETING

MINUTES

**BOARD MINUTES
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
NOVEMBER 18, 2010**

The regularly scheduled meeting of the Mississippi State Board of Medical Licensure was held on Thursday, November 18, 2010, in the Board Room of the Office of the Board located at 1867 Crane Ridge Drive, Jackson, Mississippi.

The following members were present:

William S. Mayo, D.O., Oxford, President
S. Randall Easterling, M.D., Vicksburg, Vice President
Virginia M. Crawford, M.D., Hattiesburg, Secretary
Larry B. Aycock, M.D., McComb
Claude D. Brunson, M.D., Jackson
Rickey L. Chance, D.O., Ocean Springs
William B. Jones, M.D., Greenwood
Philip T. Merideth, M.D., J.D., Jackson
Charles D. Miles, M.D., West Point

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 Carrillo, Special Projects Officer, Investigative Division
Sherry Harris, Staff Officer
Wesley Breland, Hattiesburg, Consumer Health Committee
Cecil R. Burnham, Jackson, Consumer Health Committee
Charles Thomas, Yazoo City, Consumer Health Committee

Not present:

Stan T. Ingram, Complaint Counsel for the Board

The meeting was called to order at 9:15 a.m. by Dr. Mayo, President. The invocation was given by Mr. Breland and the pledge was led by Dr. Miles. Dr. Mayo welcomed the Court Reporter, Ella Hardwick, and extended a welcome to all visitors present at the meeting. Dr. Mayo acknowledged Scott Hambleton, M.D., as the newly appointed Medical Director of the Mississippi Professionals Health Program.

OATH OF OFFICE - CLAUDE DARNELL BRUNSON, M.D., JACKSON, AND RICKEY LYNN CHANCE, D.O., OCEAN SPRINGS

BOARD MINUTES
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Claude Darnell Brunson, M.D., and Rickey Lynn Chance, D.O., were administered the Oath of Office by the Court Reporter, Ella Hardwick. A copy of their Oath of Office is attached hereto and incorporated by reference.

Dr. Brunson was appointed to represent the Third Supreme Court District and Dr. Chance will be representing the Second Supreme Court District. Both physicians were appointed to a six (6) year term ending June 10, 2016.

PUBLIC COMMENTS

Dr. Mayo opened the floor for public comments. Ricki Garrett, Ph.D., Executive Director of the Mississippi Nurses Association, addressed the Board. Dr. Garrett expressed concerns over information that she has heard that the Board is considering more restrictive regulations concerning nurse practitioners and that she was encouraging the Board not to pass any further restrictions to our regulations regarding nurse practitioners. Dr. Garrett expressed concerns of trade issues that could be involved with stricter regulations.

Dr. Ralph Bell addressed the Board and stated that he has worked with nurse practitioners over the years and expressed how he feels they have helped the community, and asked that the Board work toward the best outcome for the healthcare of people in the state. Dr. Bell stated that any regulations that control more closely than the ability and scope of practice of medicine would be a barrier to our state's healthcare.

APPROVAL OF CERTIFICATION OF MISSISSIPPI LICENSES TO OTHER ENTITIES FOR THE PERIOD SEPTEMBER 01, 2010, THROUGH OCTOBER 31, 2010

One hundred twenty-five (125) licenses were certified to other entities for the period September 01, 2010, through October 31, 2010. Motion was made by Dr. Aycock, seconded by Dr. Easterling, and carried unanimously to approve these certifications.

APPROVAL OF LICENSES ISSUED FOR THE PERIOD SEPTEMBER 01, 2010, THROUGH OCTOBER 31, 2010

Eighty-one (81) licenses were issued for the period September 01, 2010, through October 31, 2010. Motion was made by Dr. Aycock, seconded by Dr. Easterling, and carried unanimously to approve these licenses.

REPORT OF NOVEMBER 17, 2010, EXECUTIVE COMMITTEE MEETING

Dr. Craig briefly covered the appearances and issues that were discussed/approved by the Executive Committee on November 17, 2010. Information pertaining to the Executive Committee decisions is included in the Executive Committee Minutes dated November 17, 2010.

Motion was made by Dr. Aycock, seconded by Dr. Miles, and carried unanimously to ratify all the issues/actions approved and reported by the Executive Committee on November 17, 2010.

REVIEW OF MINUTES OF THE EXECUTIVE COMMITTEE MEETING DATED SEPTEMBER 15, 2010, AND MINUTES OF THE BOARD MEETING DATED SEPTEMBER 16, 2010

Minutes of the Executive Committee meeting dated September 15, 2010, and Minutes of the Board meeting dated September 16, 2010, were reviewed. Dr. Easterling moved for approval of the minutes as submitted. Dr. Aycock seconded the motion, and it carried unanimously.

REPORTS FROM COMMITTEES

Dr. Mayo briefly described the need to restructure some of the committees and advised that he would like to dissolve the Consumer Health Committee and have the public members serve on other committees. Also, Dr. Mayo stated that at the present time there was no need for an Education and Workforce Committee, and that he would like to restructure the Scope of Practice Committee and the Electronic Medical Records Committee. Dr. Mayo advised that more information concerning this matter will be forthcoming.

Consumer Health - Mr. Breland (Chair), Mr. Burnham, Mr. Thomas

Mr. Breland stated that the Consumer Health Committee still makes the request that the Board seek legislative approval to have a public member sit on the Board as a Board member.

Education & Workforce - Dr. Mayo, Dr. Jones

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

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November 18, 2010
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Scope of Practice - Dr. Crawford (Chair), Dr. Easterling, Dr. Aycock

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

Professional Health Program - Dr. Mayo, Dr. Merideth

Dr. Mayo advised that he and Dr. Merideth have been working on changes to the Memorandum of Understanding and will be sending those to the Mississippi State Medical Association for review.

Rules, Regulation & Legislative - Dr. Easterling (Chair), Dr. Jones, Dr. Miles

Dr. Easterling advised the committee met this morning and have two (2) proposals: 1) Dr. Easterling advised that the committee discussed physicians that are practicing acupuncture and addressed what adequate training would be necessary to allow them to use acupuncture in their practice. Dr. Easterling advised that the committee will prepare proposed minimum standards and then bring them before the Board as proposed changes; and, 2) Dr. Easterling advised that the committee discussed what changes need to be proposed concerning immunization programs for mass immunizations. Dr. Easterling advised that one (1) protocol received by the Board has the primary collaborating physician living in another state. After a brief discussion concerning this matter, motion was made by Dr. Aycock, seconded by Dr. Crawford, and carried unanimously to table this matter until the next Board meeting, to allow the committee time to prepare a proposal for the Board's consideration.

Ethics - Dr. Merideth (Chair), Dr. Crawford

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

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

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

REQUEST FROM GARLAND HOLLOMAN, M.D., KAREN HOLLOWAY, M.D., AND MICHELLE OWENS, M.D., CONCERNING MANAGING PREGNANT WOMEN WITH OPIATE ABUSE

Dr. Mayo welcomed the physicians from UMC and advised that they had requested to appear before the Board to discuss management of pregnant women with opiate abuse.

The physicians from UMC provided a very informative presentation concerning

BOARD MINUTES
November 18, 2010
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the current standard of care management for pregnant women with opiate abuse and discussed the Board's current rules and regulations regarding same. After responding to questions from the Board members, Dr. Owens advised that she felt that the Board's guidelines were more restrictive than Federal guidelines. UMC physicians would like to be able to give pregnant women methadone for maintenance during their pregnancy.

After further discussion, the Board requested that Dr. Holloway provide the Board with information on their proposed maintenance program. Dr. Mayo advised that once received, the information will be referred to the Board's Rules, Regulation & Legislative Committee for review and possible proposed regulation changes.

REQUEST FROM MISSISSIPPI BOARD OF PHARMACY

Dr. Craig briefly covered a memo received from Mr. Gammill, Executive Director of the Mississippi Board of Pharmacy, requesting the Board's assistance in developing a means to identify all dispensing practitioners. Dr. Craig stated this could be handled by adding two (2) questions to the Board's renewal form: 1) Do you dispense medications other than samples; and, 2) Do you dispense controlled substances?

After a brief discussion, motion was made by Dr. Miles, seconded by Dr. Jones, and carried unanimously to add the two (2) proposed questions to the Board's renewal form.

PRESENTATION/ORIENTATION FROM LEGAL, LICENSURE AND INVESTIGATIVE DIVISIONS

Dr. Mayo had previously requested that each division provide an informative presentation/orientation to educate new Board members and update all current Board members and staff.

The legal presentation/orientation will be handled at the January Board meeting since the Board's Complaint Counsel, Stan Ingram, is out due to having surgery.

Rhonda Freeman, Bureau Director, Licensure Division, gave a brief summary of what the people in her division handles and provided the Board members with some statical data concerning the number of physicians licensed in the state.

Thomas Washington, Bureau Director, Investigative Division, gave a brief summary of complaints and how they are handled by his division. Also, Mr. Washington covered some of the problems that occur when they are investigating physicians and the amount of time involved.

DR. MERIDETH EXITED THE MEETING AT 10:30 A.M.

**HEARING IN THE CASE OF STEVE MORRIS, III, M.D., LEAKESVILLE, MISSISSIPPI
MEDICAL LICENSE NUMBER 13936**

Pamela Ratliff, Complaint Counsel for the Board, addressed the Board and introduced William Kirksey, attorney for Dr. Morris. Dr. Morris was present with Mr. Kirksey who had previously filed a request to admit Karl Koch, attorney from Baton Rouge, LA., as lead counsel. Also, Mr. Kirksey was here with Dr. Morris to request a Continuance until the January Board meeting to prepare and hear the matter.

There being no opposition to the requests, motion was made by Dr. Aycock, seconded by Dr. Easterling, and carried unanimously to grant the Continuance until the January 2011 Board meeting, and the application of Mr. Koch as lead attorney with current attorney Mr. Kirksey present as local counsel at the January Board meeting.

A copy of the Order of Continuance is attached hereto and incorporated by reference.

THE BOARD RECESSED AT 11:00 A.M. AND RECONVENED AT 11:05 A.M.

**HEARING IN THE CASE OF RICHARD MAZUR, M.D., APPLICANT FOR
REINSTATEMENT OF LICENSURE**

Pamela Ratliff, Complaint Counsel for the Board, introduced Dr. Mazur and his attorney, Joel Howell. Ms. Ratliff advised that Dr. Mazur is in the process of reinstating his Mississippi license and is here today to appeal the opinion of the Board denying his request for an internship with a local physician as a "residency-like" program instead of the Board's request for a one (1) year fellowship or a basic residency in an established residency program.

Dr. Mazur was called to the witness stand by his attorney and was sworn in by the court reporter. Mr. Howell questioned Dr. Mazur and requested that he provide the Board with a chronological summary of his work and events concerning his past history. Dr. Mazur stated that he was here today to request that the Board approve the proposal that he had submitted to CPEP and briefly discussed how the proposal would work with his utilizing ten (10) different physicians to act as a residency-like program.

Ms. Ratliff questioned Dr. Mazur and entered several exhibits into the record. Ms. Ratliff questioned Dr. Mazur concerning the proposal and the qualifications of those physicians listed, as well as how he would be monitored under his proposal, and whether the physicians had agreed to such.

BOARD MINUTES
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Following several questions from Board members, motion was made by Dr. Aycock, seconded by Dr. Easterling, and carried unanimously that the Board enter into Executive Session to discuss a matter that may be appealable.

Upon a motion by Dr. Easterling, seconded by Dr. Miles, and carried unanimously the Board came out of Executive Session at which time Dr. Mayo asked Dr. Crawford to report on the Board's decision. Dr. Crawford advised that the Board unanimously voted to deny Dr. Mazur's request for the proposed residency-like training program, and the Board is to issue a letter stating the requirement of a minimum of one (1) year of internal medicine or family practice post graduate training in an ACGME approved program before being considered for re-licensure.

A copy of the Order is attached hereto and incorporated by reference.

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

THE BOARD RECESSED AT 12:00 NOON FOR LUNCH AND RETURNED AT 1:00 P.M.

After lunch, Dr. Mayo called the meeting back to order.

HEARING IN THE CASE OF JOSEPH SAMUEL MARDIS, M.D., JACKSON, MISSISSIPPI MEDICAL LICENSE NUMBER 15863

Ms. Ratliff introduced Dr. Mardis and his attorney, Richard Montague. Ms. Ratliff advised that Dr. Mardis was here today due to a Summons and Affidavit that was served on him to appear on October 14, 2010. Ms. Ratliff briefly covered the Summons and Affidavit and a chronological summary pertaining to Dr. Mardis. Ms. Ratliff advised that Dr. Mardis is being charged with multiple counts of unprofessional conduct and violation of an order, agreement or stipulation with the Board as related to violations of his Recovery Contract Agreement with the MPHP and the Board. Ms. Ratliff entered several exhibits into the record. Mr. Montague had no objection to the exhibits and requested that the exhibits be marked as "confidential" and not to be reproduced in response to a public records request in the future.

Mr. Montague addressed the Board and made his opening comments and advised he was handling this matter pro-bono as he is a recovering addict and he understands that part of recovery is surrendering. Mr. Montague stated that Dr. Mardis did breach his Recovery Contract Agreement with the Mississippi Professionals Health Program (MPHP). Mr. Montague advised that Dr. Mardis is here today as they feel that some of the points in the Affidavit are not accurate and certain restrictions that the

BOARD MINUTES
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Page 8

Board wants to impose would strip Dr. Mazur of the ability to practice medicine and his current certifications.

After a discussion between the attorneys concerning invoking the rule on witnesses being allowed to remain in the room during testimony, motion was made by Dr. Easterling, seconded by Dr. Crawford, and carried unanimously that the Board enter into Executive Session to discuss witnesses being allowed to remain in the room and whether Dr. Wilkerson, Medical Director, MPHP, would be considered an expert witness or fact witness for this proceeding.

Upon a motion by Dr. Easterling, seconded by Dr. Miles, the Board came out of Executive Session at which time Dr. Mayo requested that Dr. Crawford advise the Board's decision. Dr. Crawford advised that after discussion, Dr. Wilkerson will be speaking primarily for MPHP as a fact witness and not as an expert witness. Dr. Wilkerson was asked to leave the room until he testifies.

Charles Ware, Investigator, Investigative Division, was called to testify first and was sworn in by the court reporter. Ms. Ratliff questioned Mr. Ware and asked that he provide the Board with an overview of Dr. Mazur's history with the Board.

MR. BRELAND EXITED THE MEETING AT 2:00 P.M.

Mr. Montague questioned Mr. Ware concerning Dr. Mardis and entered several exhibits into the record.

THE BOARD RECESSED AT 2:30 P.M. AND RETURNED AT 2:40 P.M.

Mr. Montague continued his questioning of Mr. Ware.

DR. EASTERLING EXITED THE MEETING AT 3:10 P.M.

Zoe Musick, Practice Administrator with Jackson Neurology Clinic was the next witness called to the witness stand. Ms. Musick was sworn in by the court reporter.

Ms. Ratliff questioned Ms. Musick concerning her work at the clinic and how she worked with Dr. Mardis during the time he worked there.

Mr. Montague questioned Ms. Musick and entered several exhibits into the record.

Dr. George Wilkerson, Medical Director of MPHP, was called as the next witness and was sworn in by the court reporter.

BOARD MINUTES
November 18, 2010
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Ms. Ratliff questioned Dr. Wilkerson and it was determined that he is qualified to be considered an expert witness in addiction. Mr. Montague objected due a statement that Dr. Wilkerson had made concerning opiates and wanted the matter continued to a later time since Dr. Easterling had left the meeting and he practices addiction. Ms. Ratliff objected to this request. After discussion, Dr. Mayo advised that the Board understands but overrules his request due to the broad range of specialties by other members serving on the Board.

Ms. Ratliff questioned Dr. Wilkerson as to the number of Recovery Contract Agreements (RCA) that Dr. Mardis had signed and requested that he briefly discuss the problems that have occurred.

Mr. Montague followed with questions to Dr. Wilkerson.

THE BOARD RECESSED AT 6:30 P.M. FOR DINNER AND RETURNED AT 7:00 P.M.

MR. BURNHAM DID NOT RETURN TO THE MEETING AFTER DINNER

Dr. Mayo called the meeting back to order.

Dr. Mardis was called to testify by Mr. Montague and was sworn in by the court reporter.

Mr. Montague questioned Dr. Mardis and entered several more exhibits into the record.

Ms. Ratliff questioned Dr. Mardis and then allowed the Board members to ask their questions.

Closing remarks were made by Ms. Ratliff and Mr. Montague.

With a motion made by Dr. Miles, seconded by Dr. Jones, and carried unanimously, the Board went into Executive Session to discuss the disciplinary matter concerning Dr. Mardis which may be appealable.

Upon a motion made by Dr. Miles, seconded by Dr. Chance, and carried unanimously the Board came out of Executive Session at which time Dr. Mayo asked Dr. Crawford to report on the Board's decision. Dr. Crawford advised that the Board finds Dr. Mardis:

Guilty of count 1: being in violation of his RCA by virtue of being tested positive for alcohol in his urine on February 24, 2010;

Guilty of count 2: unprofessional conduct by obtaining Lorcet without informing

BOARD MINUTES
November 18, 2010
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prescribing physician of medical history about being a recovering physician;
Guilty of count 3: being in violation of the RCA, as a result of obtaining a prescription for Lorcet without informing prescribing physician of his status as a recovering physician;
Guilty of count 4: unprofessional conduct in not contacting monitoring physician prior to taking narcotic prescription;
Guilty of count 5: violation of his RCA, by virtue of not contacting monitoring physician prior to taking narcotic prescriptions;
Not guilty of count 6: unprofessional conduct by not notifying employer of prior history of addiction;
Not guilty of count 7: breach of RCA contract by not notifying employer of prior history of addiction;
Guilty of count 8: unprofessional conduct in failing to properly dispose of his patient's surrendered controlled substances;
Guilty of count 9: habitual use of narcotic drugs or other drugs having addictive-forming or addiction-sustaining liability; and, Also, the Board voted to immediately and indefinitely suspend license with the immediate suspension stayed if all terms and conditions (1,2,3,4,5,6,7) as listed in the proposed Consent Order are met. After five (5) years, licensee may petition the Board to lift the suspension.

Following a brief discussion, it was determined that the investigative costs had been overlooked and a motion was made by Dr. Aycock, seconded by Dr. Jones, and carried unanimously that the Board assess the investigative costs/expenses not to exceed the \$10,000.00 limit.

A copy of the Board's Order is attached hereto and incorporated by reference.

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

PROPOSED LEGISLATION CONCERNING SENATE BILL 3029 THAT NEEDS TO BE PRESENTED DURING 2011 LEGISLATIVE SESSION

Dr. Craig briefly discussed Senate Bill 3029 and advised that the Department of Health has requested that we join with them to introduce the Bill at the next legislative session since it involves Limited X-Ray Machine Operators.


Motion was made by Dr. Crawford, seconded by Dr. Jones, and carried unanimously to support the Bill.

RECOGNITION OF CONSUMER HEALTH MEMBER

Dr. Craig briefly covered an article in The Yazoo Herald that recognizes Mr. Thomas and a game that he has invented that is his version of Monopoly.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:25 p.m., with the next scheduled meeting for Thursday, January 20, 2011.



WILLIAM S. MAYO, D.O.
PRESIDENT

Minutes taken and transcribed
by Sherry Harris
Staff Officer
November 18, 2010

OATH OF OFFICE

I, Claude Darnell Brunson, M.D. do solemnly swear (or affirm)
that I will faithfully support the Constitution of the United States and the Constitution of the State of Mississippi,
and obey the laws thereof; that I am not disqualified from holding the office of _____
Member, Mississippi State Board of Medical Licensure
that I will faithfully discharge the duties of the office upon which I am about to enter. So help me God.

Subscribed and sworn to before me at

Jackson

Mississippi, this 18th day

of November, 192010

Claude W. Brunson MD

By Phonda Freeman



OATH OF OFFICE

I, Rickey Lynn Chance, D.O. do solemnly swear (or affirm)
that I will faithfully support the Constitution of the United States and the Constitution of the State of Mississippi,
and obey the laws thereof; that I am not disqualified from holding the office of _____
Member, Mississippi State Board of Medical Licensure

that I will faithfully discharge the duties of the office upon which I am about to enter. So help me God.

Subscribed and sworn to before me at

Jackson

Mississippi, this 18th day

of November, 192010

R L Chance D.O.

By Shanda Freeman



**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
IN THE MATTER OF PHYSICIANS LICENSE**

OF

STEVE MORRIS, III, M.D.


ORDER OF CONTINUANCE

THIS MATTER came on regularly for hearing on November 18, 2010, before the Mississippi State Board of Medical Licensure, in response to a request for continuance of the hearing set for this date made by Steve Morris, III, M.D., (hereinafter "Licensee"), through his attorney, William B. Kirksey. After consideration of the matter, the Board finds Licensee's motion to be well taken.

IT IS, THEREFORE, ORDERED, that this matter is continued until January 20, 2011.

SO ORDERED, this the 18th day of November, 2010.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**


**WILLIAM S. MAYO, D.O.
PRESIDENT**

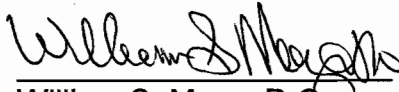
**EXECUTIVE SESSION
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
NOVEMBER 18, 2010**

AGENDA ITEM: XIII. Hearing in the case of Richard Mazur, M.D.

MOTION # 1:

In a motion made by Dr. Easterling, seconded by Dr. Miles, the Board voted to deny Dr. Mazur's request for the proposed residency-like program; and

<u>VOTE:</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Larry B. Aycock, M.D.	X			
Claude D. Brunson, M.D.	X			
Rickey L. Chance, D.O.	X			
Virginia M. Crawford, M.D.	X			
S. Randall Easterling, M.D.	X			
William B. Jones, M.D.	X			
William S. Mayo, D.O.	X			
Philip T. Merideth, M.D., J.D.				X
Charles D. Miles, M.D.	X			



William S. Mayo, D.O.
President

**EXECUTIVE SESSION
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
NOVEMBER 18, 2010**

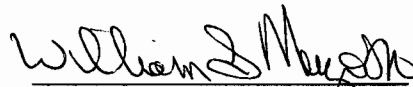
AGENDA ITEM: XIII. Hearing in the case of Richard Mazur, M.D.

MOTION # 2:

In a motion made by Dr. Easterling, seconded by Dr. Miles, the Board voted to issue a letter stating that a minimum of 1 year of internal medicine or family practice post graduate training in ACGME approved program is to be completed before being considered for re-licensure.

<u>VOTE:</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Larry B. Aycock, M.D.	X			
Claude D. Brunson, M.D.	X			
Rickey L. Chance, D.O.	X			
Virginia M. Crawford, M.D.	X			
S. Randall Easterling, M.D.	X			
William B. Jones, M.D.	X			
William S. Mayo, D.O.	X			
Philip T. Merideth, M.D., J.D.				X
Charles D. Miles, M.D.	X			

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



William S. Mayo, D.O.
President

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

RICHARD ALFRED MAZUR, M.D.

ORDER

THIS MATTER having come on for hearing on November 18, 2010, before the Mississippi State Board of Medical Licensure (hereinafter "Board"), pursuant to Title 73, Chapter 25 of Mississippi Code Annotated, in response to the request of Richard Alfred Mazur, M.D. (hereinafter "Applicant"), seeking Board approval of Applicant's proposed residency-like program for re-licensure purposes. The Board, after hearing said request and having heard the evidence, finds Applicant's request not well taken.

IT IS HEREBY ORDERED that Applicant's request for Board approval of Applicant's proposed residency-like program is hereby denied.

IT IS FURTHER ORDERED, that the Board shall issue Applicant a letter from the Board setting forth the Board's requirement that Applicant is to successfully complete a minimum of one (1) year of internal medicine or family practice post graduate training in an ACGME approved residency program before Applicant shall be considered by the Board for re-licensure.

ORDERED, this the 18th day of November, 2010.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**

BY: 

**WILLIAM S. MAYO, D.O.
PRESIDENT**

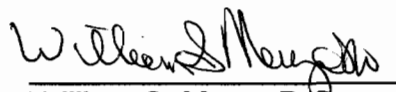
**EXECUTIVE SESSION
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
NOVEMBER 18, 2010**

AGENDA ITEM: XV. Hearing in the case of Joseph S. Mardis, M.D.

MOTION # 1:

In a motion made by Dr. Jones, seconded by Dr. Chance, in a vote of six (6) for and one (1) against, the Board voted to find Dr. Mardis guilty of Count 1: violation of his RCA by virtue of being tested positive for alcohol in his urine on February 24, 2010.

<u>VOTE:</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Larry B. Aycock, M.D.		X		
Claude D. Brunson, M.D.	X			
Rickey L. Chance, D.O.	X			
Virginia M. Crawford, M.D.	X			
S. Randall Easterling, M.D.				X
William B. Jones, M.D.	X			
William S. Mayo, D.O.	X			
Philip T. Merideth, M.D., J.D.				X
Charles D. Miles, M.D.	X			



William S. Mayo, D.O.
President

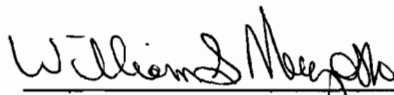
**EXECUTIVE SESSION
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
NOVEMBER 18, 2010**

AGENDA ITEM: XV. Hearing in the case of Joseph S. Mardis, M.D.

MOTION # 2:

In a motion made by Dr. Miles, seconded by Dr. Brunson, in a vote of six (6) for and one (1) abstaining, the Board voted to find Dr. Mardis guilty of Count 2: unprofessional conduct by obtaining Lorcet without informing prescribing physician of medical history about being a recovering physician.

<u>VOTE:</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Larry B. Aycock, M.D.			X	
Claude D. Brunson, M.D.	X			
Rickey L. Chance, D.O.	X			
Virginia M. Crawford, M.D.	X			
S. Randall Easterling, M.D.				X
William B. Jones, M.D.	X			
William S. Mayo, D.O.	X			
Philip T. Merideth, M.D., J.D.				X
Charles D. Miles, M.D.	X			



William S. Mayo, D.O.
President

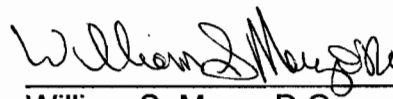
**EXECUTIVE SESSION
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
NOVEMBER 18, 2010**

AGENDA ITEM: XV. Hearing in the case of Joseph S. Mardis, M.D.

MOTION # 3:

In a motion made by Dr. Jones, seconded by Dr. Brunson, in a vote of six (6) for and one (1) against, the Board voted to find Dr. Mardis guilty of Count 3: by being in violation of the RCA, as a result of obtaining a prescription for Lorcet without informing prescribing physician of his status as a recovering physician.

<u>VOTE:</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Larry B. Aycock, M.D.		X		
Claude D. Brunson, M.D.	X			
Rickey L. Chance, D.O.	X			
Virginia M. Crawford, M.D.	X			
S. Randall Easterling, M.D.				X
William B. Jones, M.D.	X			
William S. Mayo, D.O.	X			
Philip T. Merideth, M.D., J.D.				X
Charles D. Miles, M.D.	X			



William S. Mayo, D.O.
President

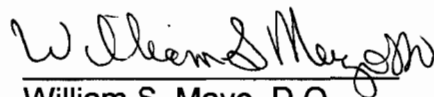
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MOTION # 4:

In a motion made by Dr. Brunson, seconded by Dr. Miles, in a vote of four (4) for and three (3) against, the Board voted to find Dr. Mardis guilty of Count 4: unprofessional conduct in not contacting monitoring physician prior to taking narcotic prescription.

<u>VOTE:</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Larry B. Aycock, M.D.		X		
Claude D. Brunson, M.D.	X			
Rickey L. Chance, D.O.		X		
Virginia M. Crawford, M.D.		X		
S. Randall Easterling, M.D.				X
William B. Jones, M.D.	X			
William S. Mayo, D.O.	X			
Philip T. Merideth, M.D., J.D.				X
Charles D. Miles, M.D.	X			



William S. Mayo, D.O.
President

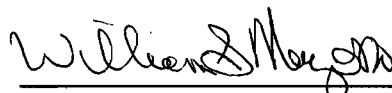
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MOTION # 5:

In a motion made by Dr. Miles, seconded by Dr. Brunson, in a vote of five (5) for and two (2) against, the Board voted to find Dr. Mardis guilty of Count 5: violation of his RCA by virtue of not contacting monitoring physician prior to taking narcotic prescriptions.

<u>VOTE:</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Larry B. Aycock, M.D.		X		
Claude D. Brunson, M.D.	X			
Rickey L. Chance, D.O.	X			
Virginia M. Crawford, M.D.		X		
S. Randall Easterling, M.D.				X
William B. Jones, M.D.	X			
William S. Mayo, D.O.	X			
Philip T. Merideth, M.D., J.D.				X
Charles D. Miles, M.D.	X			



William S. Mayo, D.O.
President

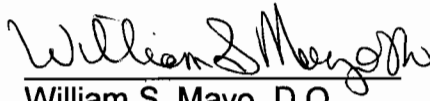
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MOTION # 6:

In a motion made by Dr. Aycock, seconded by Dr. Miles, in an unanimous vote, the Board voted to find Dr. Mardis not guilty of Count 6: unprofessional conduct by not notifying employer of prior history of addiction.

<u>VOTE:</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Larry B. Aycock, M.D.	X			
Claude D. Brunson, M.D.	X			
Rickey L. Chance, D.O.	X			
Virginia M. Crawford, M.D.	X			
S. Randall Easterling, M.D.				X
William B. Jones, M.D.	X			
William S. Mayo, D.O.	X			
Philip T. Merideth, M.D., J.D.				X
Charles D. Miles, M.D.	X			


William S. Mayo, D.O.
President

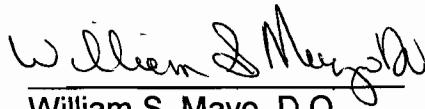
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MOTION # 7:

In a motion made by Dr. Aycock, seconded by Dr. Jones, in an unanimous vote, the Board voted to find Dr. Mardis not guilty of Count 7: breach of RCA by not notifying employer of prior history of addiction.

<u>VOTE:</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Larry B. Aycock, M.D.	X			
Claude D. Brunson, M.D.	X			
Rickey L. Chance, D.O.	X			
Virginia M. Crawford, M.D.	X			
S. Randall Easterling, M.D.				X
William B. Jones, M.D.	X			
William S. Mayo, D.O.	X			
Philip T. Merideth, M.D., J.D.				X
Charles D. Miles, M.D.	X			



William S. Mayo, D.O.
President

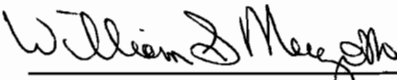
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MOTION # 8:

In a motion made by Dr. Aycock, seconded by Dr. Chance, in an unanimous vote, the Board voted to find Dr. Mardis guilty of Count 8: unprofessional conduct in failing to properly dispose of his patient's surrendered controlled medication.

<u>VOTE:</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Larry B. Aycock, M.D.	X			
Claude D. Brunson, M.D.	X			
Rickey L. Chance, D.O.	X			
Virginia M. Crawford, M.D.	X			
S. Randall Easterling, M.D.				X
William B. Jones, M.D.	X			
William S. Mayo, D.O.	X			
Philip T. Merideth, M.D., J.D.				X
Charles D. Miles, M.D.	X			



William S. Mayo, D.O.
President

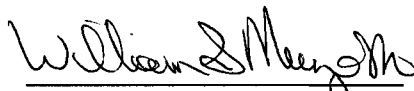
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MOTION # 9:

In a motion made by Dr. Jones, seconded by Dr. Miles, in an unanimous vote, the Board voted to find Dr. Mardis guilty of Count 9: habitual use of narcotic drugs or other drugs having addiction-forming or addiction-sustaining liability.

<u>VOTE:</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Larry B. Aycock, M.D.	X			
Claude D. Brunson, M.D.	X			
Rickey L. Chance, D.O.	X			
Virginia M. Crawford, M.D.	X			
S. Randall Easterling, M.D.				X
William B. Jones, M.D.	X			
William S. Mayo, D.O.	X			
Philip T. Merideth, M.D., J.D.				X
Charles D. Miles, M.D.	X			



William S. Mayo, D.O.
President

**EXECUTIVE SESSION
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AGENDA ITEM: XV. Hearing in the case of Joseph S. Mardis, M.D.

FINAL MOTION

In a motion made by Dr. Crawford, seconded by Dr. Jones, in an unanimous vote, the Board voted to immediately and indefinitely suspend Dr. Mardis' license with the immediate suspension stayed if all the terms and conditions listed in proposed Consent Order are complied with. After five (5) years, licensee may petition the Board to lift the suspension.

<u>VOTE:</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Larry B. Aycok, M.D.	X			
Claude D. Brunson, M.D.	X			
Rickey L. Chance, D.O.	X			
Virginia M. Crawford, M.D.	X			
S. Randall Easterling, M.D.				X
William B. Jones, M.D.	X			
William S. Mayo, D.O.	X			
Philip T. Merideth, M.D., J.D.				X
Charles D. Miles, M.D.	X			

With a motion by Dr. Miles, seconded by Dr. Chance, the Board came out of Executive Session.



William S. Mayo, D.O.
President

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

JOSEPH S. MARDIS, M.D.

ORDER

THIS MATTER came on regularly for hearing on November 18, 2010, before the Mississippi State Board of Medical Licensure (hereinafter referred to as the "Board"), pursuant to Title 73, Chapter 25, Miss. Code (1972) Annotated. The Board initiated these proceedings on October 14, 2010, by issuance of a Summons against Joseph Samuel Mardis, M.D. (hereinafter referred to as "Licensee"), with attached Affidavit from Charles Ware, Investigator. The affidavit set forth nine (9) claims against Licensee, alleging violations of Mississippi Code Annotated Sections 73-25-23 and 73-25-83, as more fully set out below. Based upon the evidence and testimony presented, the Board renders the following Findings of Fact, Conclusions of Law, and Order.

Findings of Fact

1. Joseph S. Mardis, M.D. is the current holder of License No. 15863 for the practice of medicine in the State of Mississippi;
2. On September 10, 2007, Licensee entered into a five (5) year Recovery Contract Agreement with the Mississippi Professional Health Program (hereinafter "MPHP"), said Recovery Contract Agreement (hereinafter "2007 RCA"), signed by Licensee on October 10, 2007; signed on behalf of the MPHP on October 15, 2007; and signed on behalf of the Board on October 22, 2007. This was the fourth RCA executed by

Licensee. With regards to the events alleged in the "Current Allegations" portion of the Board's charging Affidavit (beginning at paragraph 4 of said affidavit), the 2007 RCA was current and placed requirements on Licensee to insure his sobriety;

3. On or about February 24, 2010, Licensee submitted a urine sample for drug screening analysis which detected the presence of alcohol;

4. On or about August 7, 2010, Licensee obtained a prescription for a hydrocodone/acetaminophen product without prior approval of either the RCA mandated Primary Care Physician or the RCA mandated Medication Monitoring Physician;

5. Licensee began working in July, 2009, at Jackson Neurosurgery Clinic, and Licensee verbally acknowledged to Jackson Neurosurgery Clinic his affiliation with the MPHP and made the Clinic aware that he was being monitored and the Board finds that his disclosure was adequate and that there was no intent to deceive or mislead Jackson Neurosurgery Clinic.

6. On or about February 8, 2010, Licensee took possession of Percocet tablets from a patient under color of his authority as a physician for the stated purpose of safely disposing of unused or unnecessary remaining controlled substances, but failed to follow the clinic's procedure for witnessed and documented recording of the wasting of residual medications and did not request assistance from other clinic staff to document the disposal. Further, Licensee testified under oath that he subsequently ingested the Percocet tablets he took from the Jackson Neurosurgery Clinic patient for his own pain relief.

Conclusions of Law

Based upon the above findings, the Board makes the following conclusions of law regarding each Count alleged in the Summons and Affidavit against Licensee in this matter:

COUNT I: Licensee is in violation of an order, stipulation or agreement with the Board, based upon the presence of alcohol in his urine on February 24, 2010, all in violation of Miss. Code Ann., Section 73-25-29(13);

FINDING: GUILTY

COUNT II: Licensee is guilty of unprofessional conduct, including dishonorable or unethical conduct likely to deceive, defraud or harm the public, as a result of Licensee obtaining a prescribed narcotic without fully informing the prescribing physician of his medical history and status as a recovering physician with the MPHP, all in violation of Miss. Code Ann., Sections 73-25-29(8)(d) and 73-25-83(a);

FINDING: GUILTY

COUNT III: Licensee is in violation of an order, stipulation or agreement with the Board, as a result of Licensee obtaining a prescribed narcotic without fully informing the prescribing physician of his medical history and status as a recovering physician with the MPHP, all in violation of Miss. Code Ann., Section 73-25-29(13);

FINDING: GUILTY

COUNT IV: Licensee is guilty of unprofessional conduct, including dishonorable or unethical conduct likely to deceive, defraud or harm the public, as a result of his obtaining a prescribed narcotic without the approval of the Physician Medication Monitor, in violation of Miss. Code Ann., Sections 73-25-29(8)(d) and 73-25-83(a);

FINDING: GUILTY

COUNT V: Licensee is in violation of an order, stipulation or agreement with the Board, as a result of his obtaining a prescribed narcotic without the approval of the Physician Medication Monitor, all in violation of Miss. Code Ann., Section 73-25-29(13);

FINDING: GUILTY

COUNT VI: Licensee is guilty of unprofessional conduct, including dishonorable or unethical conduct likely to deceive, defraud or harm the public, as a result of Licensee's failure to disclose to a potential employer the extent of his prior history of chemical dependency, all in violation of Miss. Code Ann., Sections 73-25-29(8)(d) and 73-25-83(a);

FINDING: NOT GUILTY

COUNT VII: Licensee is in violation of an order, stipulation or agreement with the Board, as a result of Licensee's failure to disclose to a potential employer the extent of his prior history of chemical dependency, all in violation of Miss. Code Ann., Section 73-25-29(13);

FINDING: NOT GUILTY

COUNT VIII: Licensee is guilty of unprofessional conduct, including dishonorable or unethical conduct likely to deceive, defraud or harm the public, as a result of his failure to properly document all patient treatment in the patient's medical file and his failure to properly dispose of his patient's surrendered controlled medication, in violation of Miss. Code Ann., Sections 73-25-29(8)(d) and 73-25-83(a);

FINDING: GUILTY

COUNT IX: Licensee is guilty of habitual personal use of narcotic drugs, or any other drug having addiction-forming or addiction-sustaining liability, all in violation of Miss. Code Ann., Section 73-25-29(1).

FINDING: GUILTY

NOW THEREFORE, the Mississippi State Board of Medical Licensure does hereby indefinitely suspend Licensee's Certificate No. 15863 to practice medicine in the

State of Mississippi, with the suspension stayed, so long as Licensee continues to comply with the following terms and conditions:

1. Licensee shall surrender all privileges to handle and prescribe controlled substances listed in Schedules II, IIN, III, IIIN, IV, and V and will not be permitted to order, manufacture, distribute, possess, dispense, administer or prescribe any controlled substances in said schedules until such time as he is again properly registered with the U.S. Drug Enforcement Administration with prior written approval from the Mississippi State Board of Medical Licensure. Licensee shall execute other forms and documents required by the U.S. Drug Enforcement Administration to accomplish surrender of his controlled substances privileges in the above enumerated schedules.

2. Licensee shall not be permitted to order, manufacture, distribute, possess, dispense, administer or prescribe the medications Stadol and Nubain, Tramadol (Ultram), Carisoprodol (Soma) or Butalbital or their generic equivalents, in any form without prior authorization by the Board.

3. Licensee shall immediately obtain affiliation with MPHP. Licensee shall comply with all affiliation requirements of the MPHP, its Medical Director or the Mississippi Physicians Health Committee (MPHC). Licensee shall comply with all terms of the RCA which may be amended by virtue of this Order or any other RCA that may be hereafter required by the MPHP and the Board. Pursuant to the term of the RCA, Licensee hereby authorizes the Board, its Director or Investigative Staff to freely contact and communicate with the MPHP, MPHC, or any agent or representative of said

organizations as to all aspects of his affiliation and/or recovery. Reciprocally, Licensee hereby authorizes the MPHP and MPHC, its agents, representatives or employees to communicate with the Board as to all aspects of his affiliation and/or recovery. Any report of noncompliance with the RCA could result in further disciplinary action.

4. Licensee shall totally abstain from the use of any alcoholic or intoxicating beverage and shall not prescribe, dispense or administer to himself, any family member, or anyone with whom Licensee has an emotional and/or personal relationship, any medication. Further, Licensee shall refrain from ingesting any food product, alcohol, or over-the-counter drug likely to cause a confirmed positive test result of the urine screen analysis. Any confirmed positive test result, not in accordance with paragraph five (5) of this Order, shall be considered a violation subject to Board action.

5. Licensee shall obtain the services of a physician, approved in writing by the Board and MPHP, for treatment of Licensee's pain management, simple illnesses and similar medical conditions. Licensee shall not treat himself or family members. In the event the approved treating physician determines that it is necessary to administer, dispense or prescribe to Licensee any medication, the treating physician shall so notify MPHP's Director and the Board's Executive Director in writing. This notification shall be a letter written on the treating physician's letterhead, and must be mailed within twenty-four (24) hours after the administration, dispensation, or prescribing of said medication. It is Licensee's responsibility to insure that the treating physician submits the requisite notice as provided herein. This requirement shall also apply to any care rendered to Licensee by a dentist. Unless being treated in an emergency situation, Licensee shall

not receive any medications from any other source other than the designated, MPHP/MSBML approved treating physician or dentist.

6. In the event Licensee suffers a relapse and/or fails to comply with any of the conditions imposed by this Order, the stay of suspension shall be immediately removed and 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 for reinstatement provided herein. The Board may, in its sole discretion, require Licensee to undergo further evaluation for chemical dependency.

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

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

9. Pursuant to Miss. Code Ann., Section 73-25-30, Licensee shall pay all costs associated with the investigation and conduct of the proceedings for licensure herein.

SO ORDERED, this the 18th day of November, 2010.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**

BY: William S. Mayo, D.O.
WILLIAM S. MAYO, D.O.
PRESIDENT