

**BOARD MINUTES  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
NOVEMBER 18 and 19, 2020**

The regularly scheduled meeting of the Mississippi State Board of Medical Licensure was held on Wednesday November 18 and Thursday November 19, 2020, in Hinds County, Jackson, Mississippi.

**BOARD MEETING MINUTES FOR NOVEMBER 18, 2020**

**THE FOLLOWING MEMBERS WERE PRESENT:**

David W. McClendon, Jr., M.D., Ocean Springs, Vice President  
Michelle Y. Owens, M.D., Jackson, Secretary  
Charles D. Miles, M.D., West Point  
C. Kenneth Lippincott, M.D., Tupelo  
H. Allen Gersh, M.D., Hattiesburg (via Zoom)  
Daniel Edney, M.D., Vicksburg  
Thomas Joiner, M.D., Jackson  
Kirk L. Kinard, D.O., Oxford

**ALSO PRESENT:**

Stan T. Ingram, Complaint Counsel for the Board  
Alexis Morris, Special Assistant Attorney General  
Kenneth Cleveland, Executive Director  
Mike Lucius, Deputy Director  
Anna Boone, Director of Licensure Division  
Leslie Ross, Director of Investigations  
Kristin Wallace, Clinical Director of Physician Compliance  
Jonathan Dalton, Investigations Supervisor  
Frances Carrillo, Staff Officer  
Arlene Davis, IT Director  
Major General (Ret.) Erik Hearon, Consumer Health Committee  
Wesley Breland, Hattiesburg, Consumer Health Committee  
Shoba Gaymes, Jackson, Consumer Health Committee

**NOT PRESENT:**

J. Ann Rea, M.D., Columbus, President (absent November 18 & 19)  
Thomas Joiner, M.D., Jackson (absent November 18)  
Michelle Y. Owens, M.D., Jackson, Secretary (absent November 19)  
Kirk L. Kinard, D.O., Oxford (absent November 19)  
H. Allen Gersh, M.D., Hattiesburg (via Zoom) absent November 19

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The Wednesday November 18, 2020, meeting was called to order at 1:00 pm., by Dr. McClendon, Vice President. The invocation was given by Dr. Edney and the pledge was led by Maj Gen Hearon. Dr. McClendon introduced Alexis Morris, Special Assistant Attorney General and Julie Brown, Court Reporter with Brown Court Reporting.

**EXECUTIVE DIRECTOR REPORT**

Dr. Cleveland provided an updated summary regarding Licensure and Investigative Division operations for the months of September and October.

**Review and Approval of Minutes of the Executive Committee Meeting dated September 16, 2020.**

Upon review of the minutes of the Executive Committee Meeting dated September 16, 2020, Dr. Owens moved for approval of the minutes as submitted. Dr. Miles seconded the motion and it carried unanimously.

**Review and Approval of Minutes of the Board Meeting September 17, 2020.**

Upon review of the minutes of the Board Meeting dated September 17, 2020, Dr. Owens moved for approval of the minutes as submitted. Dr. Lippincott seconded the motion and it carried unanimously.

**Review and Approval of Minutes of the Specially Called Board Meeting dated October 26, 2020.**

Upon review of the minutes of the Specially Called Board Meeting dated October 26, 2020, Dr. Edney moved for approval of the minutes as submitted. Dr. Owens seconded the motion and it carried unanimously.

**Report of September 16, 2020, Executive Committee Meeting**

Dr. Owens reported on the matters discussed by the Executive Committee on September 16, 2020, and recommendations made.

Two matters before the Executive Committee regarding request of waivers that should be granted to Kerstin Gerhold, M.D. and Sherren Khalid, M.D.

Information pertaining to the Executive Committee's recommendations is included in the Executive Committee minutes, which are attached hereto and incorporated by reference.

A motion was made by Dr. Miles, seconded by Dr. Kinard, and carried of the Board's decision to ratify the decisions of the Executive Committee's meeting.

**REPORTS FROM COMMITTEES**

**Scope of Practice - Dr. Owens (Chair), Dr. Miles, Dr. Kinard, Dr. Gersh, Dr. McClendon, Mr. Breland, Ms. Gaymes, Dr. Edney**

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

Dr. Owens advised to a matter of interest and to give feedback on an issue that had been previously presented to the Board by the VA Medical Center in respect to the transition to the independent practice of APRNs within the VA system.

Some concerns had been voiced by physicians within the VA system about potential adverse action by this Board with respect to their participation in the transition of APRNs having independent practice within the VA system. The circumstances of the VA Medical system are not within the Medical Board's jurisdiction and this is to reaffirm to physicians within the VA system as they carry out their duties as prescribed that they are not at risk of adverse action by this Board. Dr. Owens advised no further action is required. This was for informational purposes only.

**Professionals Health Program - Dr. Lippincott (Chair), Dr. Gersh, Dr. Edney, Maj Gen Hearon, Ms. Gaymes, Dr. Joiner**

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

**Telemedicine | Interstate Licensure Compact - Dr. McClendon (Chair), Dr. Miles, Dr. Kinard, Dr. Lippincott, Maj Gen Hearon, Mr. Lucius**

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

**Licensees Education and Communication - Dr. Owens (Chair), Dr. McClendon, Dr. Gersh, Dr. Kinard, Dr. Joiner, Dr. Lippincott, Mr. Breland, Ms. Gaymes, Mr. Lucius**

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

Dr. Owens introduced the inaugural edition of the Mississippi State Board of Medical Licensure Newsletter that has been emailed to all Licensees.

**Physician Assistant Advisory Task Force - Dr. McClendon (Chair), Dr. Kinard, Robert Philpot, Jr., PhD, PA-C, Joanna Mason, PA-C, Ms. Lauren English, Phyllis Johnson, Board of Nursing, Tristen Harris, PA-C, Leah Calder, PA-C, Mr. Gavin Nowell, Mr. Jonathan Dalton, Maj Gen Hearon**

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

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**Rules, Regulation & Legislative - Dr. Miles (Chair), Dr. Gersh, Dr. Joiner, Dr. Owens, Dr. Lippincott, Mr. Breland, Ms. Hope Ladner**

**Rule 1.6 | Backup and Emergency Coverage**

After discussion of the proposed addendum, a motion was made by Dr. Owens, seconded by Dr. Edney, and carried to accept the addendum to the regulations.

A copy of the regulation based on this decision is attached hereto and incorporated by reference.

**Hospice Ad Hoc Committee: Dr. Edney (Chair), Dr. Joiner, Dr. Houston, Dr. Turner, Dr. Gentry**

Dr. Edney thanked all of the participants of the Hospice Ad Hoc Committee in this work. Dr. Edney reported the committee has drafted a consensus statement of good general practices in hospice medicine. Dr. Edney reviewed the principles of the attached consensus statement.

A motion was made by Dr. Kinard seconded by Dr. Miles, and carried to have Dr. Cleveland to draft a declaratory opinion based on the Hospice Ad Hoc consensus statement and to present to the Board at the January Board meeting for approval.

**VISHAL VERMA, M.D., MISSISSIPPI MEDICAL LICENSE NUMBER 24550  
APPROVAL OF CONSENT ORDER**

Mr. Ingram briefly summarized the Consent Order executed by Dr. Verma. The Consent Order mirrors the action of the Maryland Board of Physicians which ordered his license to be Reprimanded and to be placed on probation for a minimum of six months with probationary conditions.

Upon a motion by Dr. Miles seconded by Dr. Kinard and carried unanimously to accept the Consent Order.

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

The official account of this proceeding was recorded by Julie Brown, Court Reporter, Brown Court Reporting.

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**DANIEL SALMERON, M.D., MISSISSIPPI MEDICAL LICENSE NUMBER 26738  
APPROVAL OF CONSENT ORDER**

Mr. Ingram briefly summarized the Consent Order executed by Dr. Salmeron. The Consent Order mirrors the action of the Rhode Island Board of Medical Licensure which Reprimanded his license.

Upon a motion by Dr. Owens seconded by Dr. Miles and carried unanimously to accept the Consent Order.

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

The official account of this proceeding was recorded by Julie Brown, Court Reporter, Brown Court Reporting.

**ERICH A. ARIAS, M.D., MISSISSIPPI LICENSE NUMBER 18796  
APPROVAL OF CONSENT ORDER**

Mr. Ingram briefly summarized the Consent Order executed by Dr. Arias. The Consent Order mirrors the action of the New Mexico Medical Board which Reprimanded his license.

Upon a motion by Dr. Miles seconded by Dr. Owens and carried unanimously to accept the Consent Order.

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

The official account of this proceeding was recorded by Julie Brown, Court Reporter, Brown Court Reporting.

**DEE L'ARCHEVEQUE, M.D., MISSISSIPPI MEDICAL LICENSE NUMBER 23105  
PETITION TO LIFT CONSENT ORDER**

Mr. Ingram briefly summarized this case. Dr. L'Archeveque has requested to lift the consent order dated May 18, 2017, based on action by the Medical Boards of New York and California. Mr. Ingram introduced Dr. L'Archeveque who is appearing via zoom and her attorney Mr. Doug Mercier. Mr. Ingram placed a copy of the Consent Order into the record.

Mr. Mercier addressed the Board and placed documents into the record. Mr. Mercier summarizes Dr. L'Archeveque compliance to the action by the Medical Boards of New York and California.

Dr. L'Archeveque addressed the Board and answered questions.

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Following questions, a motion was made by Dr. Owens, seconded by Dr. Edney, and carried that the Board meeting be closed to discuss whether to enter into executive session on this matter.

A motion was made by Dr. Kinard, seconded by Dr. Miles, and carried that the Board enter into executive session for the purpose of considering adverse actions on Dr. L'Archeveque's medical license which could lead to entry of an appealable order.

Upon a motion by Dr. Edney, seconded by Dr. Miles and carried, the Board came out of Executive Session at which time Dr. McClendon asked Dr. Owens to report on its decision. Dr. Owens advised it is the decision of the Board is to grant Dr. L'Archeveque's request to remove restrictions.

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

The official account of this proceeding was recorded by Julie Brown, Court Reporter, Brown Court Reporting.

**HEARING IN THE CASE OF JEAN MARIE BARKER, M.D., MISSISSIPPI MEDICAL LICENSE NUMBER 12431**

Mr. Ingram briefly summarized and updated the Board on this case since the last Board meeting. Mr. Ingram advised a request was received from Dr. Barker for a continuance.

Upon a motion by Dr. Owens seconded by Dr. Miles and carried unanimously to grant the Continuance until the next regularly scheduled meeting of the Board.

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

The official account of this proceeding was recorded by Julie Brown, Court Reporter, Brown Court Reporting.

**HEARING IN THE CASE OF JOHN WALKER BENUS, D.P.M., MISSISSIPPI PODIATRIC LICENSE NUMBER 80030**

Mr. Ingram briefly summarized the charges against Dr. Benus. In lieu of a hearing Dr. Benus has agreed to execute a Consent Order suspending his license for one year, subject to terms and conditions.

Upon a motion by Dr. Miles seconded by Dr. Kinard and carried unanimously to accept the consent order.

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

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The official account of this proceeding was recorded by Julie Brown, Court Reporter, Brown Court Reporting.

**HEARING IN THE CASE OF ELAINE REINHARD, M.D., MISSISSIPPI MEDICAL  
LICENSE NUMBER 17415**

Mr. Ingram summarized this case to the Board regarding violation of her Consent Order. The Second Order of Continuance directed Dr. Reinhard to appear for a hearing on Thursday, November 19, 2020. Attempts had been made to contact Dr. Reinhard change the date of her appearance, but no response had been received. Out of an abundance of caution Mr. Ingram recommended to place this hearing at the tail of the docket for Thursday, November 19 at 9:00 am as ordered by the Order of Continuance. If Dr. Reinhard fails to show for the hearing will proceed in abstentia.

Upon a motion by Dr. Miles seconded by Dr. Kinard and carried unanimously to move this hearing to Thursday, November 19, 2020 at 9:00 am.

**HEARING IN THE CASE OF JAMES BENJAMIN BURKE, M.D., MISSISSIPPI MEDICAL  
LICENSE NUMBER 20064**

Mr. Ingram introduced Dr. Burke and his counsel Mr. Doug Mercier regarding Dr. Burke's petition for release of certain restrictions of his license. Mr. Ingram placed documents and a chronology into the record.

Mr. Mercier introduced documents into the record. Mr. Mercier advised that Dr. Burke's practice is limited to treating male patients and he would like to petition the Board to lift that restriction to include female patients.

Mr. Ingram summarized Dr. Burke's extensive licensure history.

Mr. Mercier addressed the Board with an opening statement.

Dr. Burke is sworn in by the court reporter.

Dr. Burke is questioned by Mr. Mercier. Dr. Burk summarizes his licensure history and his current practice.

Dr. Burke is questioned by Mr. Ingram regarding his licensure history.

Dr. Burke continued answering questions from Mr. Mercier and the Board.

Dr. Hambleton, Medical Director of the Mississippi Physician Health Program is sworn in by the court reporter. Dr. Hambleton is questioned by Mr. Mercier and Mr. Ingram regarding Dr. Burke's participation and compliance to his monitoring contract.

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Mr. Mercier made a closing statement to the Board.

A motion was made by Dr. Owens, seconded by Dr. Kinard, and carried that the Board enter into executive session for the purpose of considering adverse actions on Dr. Dr. Burke's medical license which could lead to entry of an appealable order.

Upon a motion by Dr. Owens, seconded by Dr. Miles and carried, the Board came out of Executive Session at which time Dr. McClendon asked Dr. Owens to report on its decision. Dr. Owens advised it is the decision of the Board to lift the restrictions regarding supervision of others treating female patients. Employment shall be limited to federal and state correctional facilities. The mandate limiting Dr. Burke's direct care to males only remains in effect and he is to continue with monitoring with the Mississippi Physician Health Program for the duration of his career.

Dr. McClendon further clarified to Dr. Burke that he is now permitted to work in the federal prison system. He is not allowed direct care to female patients, but he can supervise other providers that work with females and his practice will continue to be monitored.

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

The official account of this proceeding was recorded by Julie Brown, Court Reporter, Brown Court Reporting.

**ADJOURNMENT**

Dr. McClendon adjourned the meeting at 6:26 p.m.



**BOARD MEETING MINUTES FOR NOVEMBER 19, 2020**

**THE FOLLOWING BOARD MEMBERS WERE PRESENT:**

David W. McClendon, Jr., M.D., Ocean Springs, Vice President  
Charles D. Miles, M.D., West Point  
C. Kenneth Lippincott, M.D., Tupelo  
Daniel Edney, M.D., Vicksburg  
Thomas Joiner, M.D., Jackson

**NOT PRESENT:**

J. Ann Rea, M.D., Columbus, President  
Michelle Y. Owens, M.D., Jackson, Secretary  
Kirk L. Kinard, D.O., Oxford (absent November 19)  
H. Allen Gersh, M.D., Hattiesburg

The Thursday, November 19, 2020, meeting was called to order at 9:00 am., by Dr. McClendon, Vice President.

**HEARING IN THE CASE OF ELAINE REINHARD, M.D., MISSISSIPPI MEDICAL  
LICENSE NUMBER 17415**

Mr. Ingram advised Dr. Reinhard is not present for the hearing. Mr. Ingram confirmed that Dr. Reinhard was not present by asking Mr. Dalton to step out to the Lobby to check and it was confirmed that Dr. Reinhard was not present.

Mr. Ingram submitted into the record to reflect that Dr. Reinhard was not present and the hearing will proceed in absentia.

Mr. Ingram summarized facts of the case and submitted documents into the record.

Dr. Scott Hambleton, Medical Director, Mississippi Physician Health Program is sworn in by the court reporter.

Mr. Ingram questioned Dr. Hambleton regarding Dr. Reinhard's participation and compliance with the Mississippi Physician Health Program.

A motion was made by Dr. Miles, seconded by Dr. Joiner, and carried that the Board enter into executive session for the purpose of considering adverse actions on Dr. Dr. Reinhard's medical license which could lead to entry of an appealable order.

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Upon a motion by Dr. Miles, seconded by Dr. Joiner and carried, the Board came out of Executive Session at which time Dr. McClendon reported on its decision. It is unanimous decision of the Board to revoke medical license of Dr. Reinhard, Mississippi medical license number 17415.

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

The official account of this proceeding was recorded by Tamara Fulgham, Court Reporter, Brown Court Reporting.

**HEARING IN THE CASE OF JOSEPH JACKSON, M.D., MISSISSIPPI MEDICAL LICENSE NUMBER 08636**

Mr. Ingram introduced Dr. Jackson and his counsel Mr. Michael Crosby.

Dr. McClendon advised that for expediency purposes, Alexis Morris, Assistant Attorney General will be administering this hearing.

Mr. Ingram summarized Dr. Jackson's charges, one of the primary allegations against him is professional sexual misconduct. Mr. Ingram placed documents into the record.

Mr. Crosby addressed the Board with an opening statement.

Dr. Jackson is sworn in by the court reporter and called as an adverse witness by Mr. Ingram.

Dr. Jackson is questioned by Mr. Ingram. Dr. Jackson summarizes his training, licensure history and his current practice.

Dr. Jackson continued answering questions from Mr. Ingram regarding the allegations.

**THE BOARD RECESSES FOR LUNCH AT 11:29 PM AND RECONVENED AT 12:29 PM**

Dr. Jackson returned to the witness stand answered questions by Mr. Ingram, Mr. Crosby and the Board before he exited the witness stand.

Dr. Randall Sherman was called to the witness stand as an expert and sworn in by the court reporter. Mr. Sherman summarized his training and certification. Mr. Ingram tendered the witness as an expert in the area of addiction medicine. Mr. Ingram questioned Dr. Sherman regarding his review of Dr. Jackson's patient records.

Mr. Crosby questioned Dr. Sherman.

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Ms. Betty Matthews was called to the witness stand and sworn in by the court reporter. Mr. Crosby asked Ms. Matthews to summarize her association with Dr. Jackson as an employee for over 35 years in his practice. Ms. Matthew briefly summarized the operation of Dr. Jackson's practice. Ms. Matthews answered questions by Mr. Ingram and the Board.

Mr. Ingram made a closing statement to the Board.

Mr. Crosby made a closing statement to the Board.

A motion was made by Dr. Miles, seconded by Dr. Joiner, and carried that the Board enter into executive session for the purpose of considering adverse actions on Dr. Dr. Jackson's medical license which could lead to entry of an appealable order.

Upon a motion by Dr. Miles, seconded by Dr. Joiner and carried, the Board came out of Executive Session at which time Dr. McClendon reported on its decision. Dr. McClendon reported that Dr. Jackson was found guilty of Counts 1, 2, 4, and 5 and it is the decision of the Board to suspend his license for one year, to successfully complete a comprehensive psychosexual evaluation and a clinical competency evaluation at a Board approved facility. After successful completion of those evaluations, he may appear for possible reinstatement of his license.

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

The official account of this proceeding was recorded by Tammara Fulgham, Court Reporter, Brown Court Reporting.

**OTHER BUSINESS:**

**SANTÉ CENTER FOR HEALING – MAINTAINING PROPER BOUNDARIES COURSE**

This course was on the agenda for approval at the July 29, 2020, Board meeting and the Board requested that Scott Hambleton, M.D., Medical Director of Mississippi Physician Health Program review and give a report back to the Board.

Dr. Hambleton reviewed and reported that the Santé Center for Healing, Maintaining Proper Boundaries Course is a qualified program that should be Board approved.

Upon a motion by Dr. Lippincott seconded by Dr. Edney and carried to approve the Santé Center for Healing – Maintaining Proper Boundaries Course and to be added to the Board approved List.

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**FOR INFORMATIONAL PURPOSES: TERRENCE HALL, M.D., BENTON, IL,  
SURRENDER OF MEDICAL LICENSE DATED OCTOBER 29, 2020.**

**OTHER BUSINESS:**

A motion was made by Dr. Miles, seconded by Dr. Joiner, and carried that the Board enter into executive session for the purpose of discussing a personnel matter.

**JANUARY BOARD MEETING DATE**

January Board meeting dates, Wednesday, January 20 and Thursday, January 21, 2021.

**ADJOURNMENT**

There being no further business, the meeting adjourned, Thursday, November 19, 2020 at 3:13 pm.

  
**William David McClendon, M.D.  
Vice President**

**Minutes taken and transcribed.  
By Frances Carrillo  
Staff Officer  
November 19, 2021**

Rule 1.6 | Backup and Emergency Coverage

Physicians with collaborative relationships with an APRN must ensure backup physician coverage when the primary collaborative physician is unavailable, which includes being outside the approved distance for Extended Mileage. The backup physician must be a signatory to the protocol. In the event securing backup coverage is not possible, the primary collaborator and the APRN may agree, via terms written in the protocol, that no patients will be seen when the primary collaborator is unavailable.

In the event of death, unexpected disability (physical/mental), or unexpected relocation, which would result in the APRN not having a collaborative physician, the Nursing Board can notify the Mississippi State Board of Medical Licensure. In order that patients may continue to be treated without interruption of care, the APRN may, subject to the approval of the Nursing Board and Medical Board, be allowed to continue to practice for a 90-day grace period while the APRN attempts to secure a collaborative physician without such practice being considered the practice of medicine. The Executive Director of Mississippi State Board of Medical Licensure, or a designee, will serve as the APRN's collaborative physician, with the agreement of the Mississippi Board of Nursing. If a collaborative physician has not been secured at the end of the 90-day grace period, an additional 90-day extension may be granted by mutual agreement of the Mississippi Board of Nursing and the Mississippi State Board of Medical Licensure.

Source: Miss. Code Ann. §73-43-11 (1972, as amended).

**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**  
**IN THE MATTER OF PHYSICIAN'S LICENSE**  
**OF**  
**VISHAL VERMA, M.D.**  
**CONSENT ORDER**

**WHEREAS** Vishal Verma, M.D., hereinafter referred to as "Licensee," is the current holder of License No. 24550, issued August 15, 2016, for the practice of medicine in the State of Mississippi;

**WHEREAS**, on March 19, 2018, the Maryland Board of Physicians, hereinafter referred to as the "Maryland Board," charged Licensee with unprofessional conduct in the practice of medicine, failure to comply with provisions of Section 12-102 of the Health Article, and willfully making false representation when seeking or making application for licensure. The charges alleged that Licensee, based on the brief questionnaire, prescribed and dispensed Latisse<sup>®</sup> to over 1,300 Maryland residents. Licensee did not have a Maryland Dispensing permit and did not conduct an in person or synchronous audio-only or audio-visual patient evaluation. Licensee further failed to accurately respond on his Maryland Renewal Application to questions pertaining to his prior discipline and his practice of telemedicine.

**WHEREAS**, on January 31, 2020, the Maryland Board concluded as a matter of law that Licensee was guilty of unprofessional conduct in the practice of medicine, failed to comply with the provisions of Section 12-102 of the Health Occupations Article, and willfully made a false representation when seeking or making application for licensure, in violation of Section 14-404(a)(3)(ii), (28), and (36) of the Health Occupations Article, respectively. Based on the findings of the Maryland Board, Licensee was Ordered to be Reprimanded and further Ordered to be placed on probation for a minimum of six months with probationary conditions;

**WHEREAS**, pursuant to Subsection (9) of Section 73-25-29, Mississippi Code (1972), Annotated, the aforementioned actions by the Maryland Board constitute 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 action set forth in this Consent Order;

**NOW, THEREFORE**, the Mississippi State Board of Medical Licensure, with consent of Licensee as signified by his joinder herein, does hereby formally reprimand Licensee.

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

Licensee understands and expressly acknowledges that this Consent Order, if approved and executed by the Mississippi State Board of Medical Licensure, shall constitute a public record of the State of Mississippi. Licensee further acknowledges that the Board shall provide a copy of this Order to, among others, the U.S. Drug Enforcement Administration, and the Board makes no representation as to action, if any, which any other agency or jurisdiction 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., §73-25-27 (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, Vishal Verma, 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.

Executed, this the 11th, day of September, 2020.



Vishal Verma, M.D.

ACCEPTED AND APPROVED this the 18th, day of November, 2020, by the Mississippi State Board of Medical Licensure.



Jeanne Ann Rea, MD, FASA  
Jeanne Ann Rea, M.D.  
Board President

<sup>1</sup> Latisse is a prostaglandin analog, a prescription medication that grows longer, darker, and thicker eyelashes.





**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**  
**IN THE MATTER OF THE PHYSICIAN'S LICENSE**  
**OF**  
**DANIEL SALMERON, M.D.**

**CONSENT ORDER**

**WHEREAS, DANIEL SALMERON, M.D.**, hereinafter referred to as "Licensee," is the current holder of Mississippi Medical License No. 26738, said license number expires on June 30, 2021;

**WHEREAS**, on April 28, 2020, Licensee signed a Consent Order with the Rhode Island Board of Medical Licensure and Discipline. Pursuant to said Order, Licensee was required to pay an administrative fee of \$1090.00 for costs related to Rhode Island's investigation and was reprimanded. Rhode Island Board of Medical Licensure and Discipline accepted said Order on May 13, 2020, resulting in a report to the Federation of State Medical Boards (FSMB). Rhode Island Board of Medical Licensure and Discipline reported to the FSMB that their action was based on Licensee's failure to conform to minimal standards of acceptable medical practice, in addition to, his failure to maintain adequate medical records. According to the above Order, Licensee failed to complete over three hundred (300) patient medical records to the satisfaction of his employer. Furthermore, Licensee was given multiple opportunities to complete said records;

**WHEREAS**, on June 25, 2020, Licensee submitted a request to the Board for the renewal of his medical license. Licensee answered the following question in the negative, "Since your last renewal to the present time, have you been the subject of any disciplinary action or investigation by any US or foreign licensing authority, hospital, institution, society, or other governmental agency?" Chronologically, this response and renewal submission occurred after Licensee executed the above Order, thereby constituting a false statement on his renewal;

**WHEREAS**, the aforementioned information and conduct, if produced during the course of an evidentiary hearing, would substantiate that Licensee has violated certain provisions of the Mississippi Medical Practice Law, specifically, Subsections (7), (8)(d) and (8)(f) of §73-25-29 and §73-25-83(a), Miss. Code Ann., as amended, 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 avoid an evidentiary hearing before the Board and, in lieu thereof, has agreed to enter into this Consent Order;

**NOW, THEREFORE**, the Mississippi State Board of Medical Licensure, with consent of Licensee as signified by his joinder herein, does hereby place a reprimand on Licensee's certificate to practice medicine in the state of Mississippi, subject to the following terms and conditions:

1. Licensee shall take immediate steps to correct his renewal for licensure by sending a certified letter to the Board. Said letter shall address Licensee's reasoning for his failure to provide the Board with a truthful response to the renewal questionnaire. Furthermore, Licensee should provide an explanation of all action against any of his several medical licenses.


2. Licensee shall reimburse the Board for all costs incurred in relation to the pending matter pursuant to Miss. 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 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 to Licensee's current mailing address.

Should the Board hereafter receive documented evidence of Licensee violating any of the terms and conditions of this Consent Order, the Board shall have the right, pursuant to a full evidentiary hearing, to revoke the medical license of Licensee, suspend it for a time deemed proper by the Board, or take any other action determined as necessary by the Board.

Licensee understands and expressly acknowledges that this Consent Order shall constitute a public record of the State of Mississippi. Licensee further acknowledges that the Board shall provide a copy of this Order to, among others, the Federation of State Medical Boards, and the Board makes no representation as to action, if any, which any other agency or jurisdiction 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., § 73-25-27 (1972), to be represented therein by legal counsel of his choice, and to a final decision based upon written findings of fact and conclusions of law, **DANIEL SALMERON, M.D.**, nevertheless, 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 a reprimand on his medical license, subject to those terms and conditions listed above.

EXECUTED AND EFFECTIVE, this 24 day of October, 2020.

  
\_\_\_\_\_  
DANIEL SALMERON, M.D.

ACCEPTED AND APPROVED, this the 18<sup>th</sup> day of November, 2020, by the Mississippi  
State Board of Medical Licensure.

  
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JEANNE ANN REA, M.D.  
Board President

**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**  
**IN THE MATTER OF THE PHYSICIAN'S LICENSE**  
**OF**  
**ERICH ALBERTO ARIAS, M.D.**

**CONSENT ORDER**

**WHEREAS, ERICH ALBERTO ARIAS, M.D.**, hereinafter referred to as "Licensee," is the current holder of Mississippi Medical License No. 18796, said license number expires on June 30, 2021;

**WHEREAS**, on September 28, 2020, Licensee signed an Agreed Order with the New Mexico Medical Board. Pursuant to said Order, Licensee was required to pay a fine of \$3,000.00, complete an intensive New Mexico Medical Board-approved course on professionalism, and Licensee was also reprimanded. Furthermore, Licensee was required to inform all jurisdictions, in which Licensee holds a medical license, of said Order;

**WHEREAS**, on October 08, 2020, Licensee submitted a copy of said Order to the Mississippi State Board of Medical Licensure, hereinafter referred to as the "Board." Said Order was received by the Board on October 13, 2020;

**WHEREAS**, the aforementioned information, if produced during the course of an evidentiary hearing, would substantiate that Licensee has violated certain provisions of the Mississippi Medical Practice Law, specifically, Subsection (8)(d) of §73-25-29 and §73-25-83(a), Miss. Code Ann., as amended, 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 avoid an evidentiary hearing before the Board and, in lieu thereof, has agreed to enter into this Consent Order;

**NOW, THEREFORE**, the Mississippi State Board of Medical Licensure, with consent of Licensee as signified by his joinder herein, does hereby place a reprimand on Licensee's certificate to practice medicine in the state of Mississippi, subject to the following terms and conditions:

1. Licensee shall satisfy all requirements of the New Mexico Medical Board's Agreed Order and submit proof of successful completion of said Order to this Board .
2. Licensee shall reimburse the Board for all costs incurred in relation to the pending matter pursuant to Miss. 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 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 to Licensee's current mailing address.

Should the Board hereafter receive documented evidence of Licensee violating any of the terms and conditions of this Consent Order, the Board shall have the right, pursuant to a full evidentiary hearing, to revoke the medical license of Licensee, suspend it for a time deemed proper by the Board, or take any other action determined as necessary by the Board.

Licensee understands and expressly acknowledges that this Consent Order shall constitute a public record of the State of Mississippi. Licensee further acknowledges that the Board shall provide a copy of this Order to, among others, the Federation of State Medical Boards, and the Board makes no representation as to action, if any, which any other agency or jurisdiction 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., § 73-25-27 (1972), to be represented therein by legal counsel of his choice, and to a final decision based upon written findings of fact and conclusions of law, **ERICH ALBERTO ARIAS, M.D.**, nevertheless, 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 a reprimand on his medical license, subject to those terms and conditions listed above.

**EXECUTED AND EFFECTIVE**, this 28 day of October, 2020

  
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**ERICH ALBERTO ARIAS, M.D.**

**ACCEPTED AND APPROVED**, this the 18<sup>th</sup> day of November, 2020, by the Mississippi State Board of Medical Licensure.

  
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**JEANNE ANN REA, M.D.**  
Board President



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BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

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IN THE MATTER OF THE LICENSE OF:

DEE M. L'ARCHEVEQUE, M.D.

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ORDER REMOVING RESTRICTIONS ON LICENSE

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**THIS MATTER** came on regularly for hearing on November 18, 2020, before the Mississippi State Board of Medical Licensure, in response to the petition of Dee M. L'Archeveque, M.D. (hereinafter "Licensee"), seeking removal of all restrictions on her license to practice medicine in the State of Mississippi.

Licensee was present (via Zoom), represented by her counsel, Doug Mercier (in person). Complaint Counsel for the Board was Honorable Stan T. Ingram. Sitting as legal advisor to the Board was Honorable Alexis Morris, Special Assistant Attorney General. A quorum of Board members was present throughout the hearing and deliberation in the matter.

Evidence and testimony were then taken. Based on the evidence and testimony received, the Board determines that on April 17, 2017, Licensee entered into a Consent Order with the Board based on evidence, if produced during the course of an evidentiary hearing, would substantiate that Licensee violated certain provisions of the Mississippi Medical Practice Law. The Board placed Licensee's certificate to practice medicine in the state of Mississippi on probation pending her compliance with conditions imposed by the California Department of Consumer Affairs, California Medical Board. During the hearing, it was determined that Licensee has complied with all requirements imposed by the aforementioned Consent Order.

Based upon the evidence and testimony, the Board finds Licensee's petition to be well taken.

**THEREFORE, IT IS HEREBY ORDERED**, that Licensee's petition for removal of all restrictions on her Medical License (No. 23105) is hereby granted. Effective this date, Licensee shall hold an unrestricted medical license in Mississippi.

**IT IS FURTHER ORDERED**, that pursuant to Miss. Code Ann. §73-25-27(1972), a copy of this Order shall be sent by registered mail or personally served on Dee M. L'Archeveque, M.D.

**ORDERED**, this the 18th day of November 2020.

**MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**

BY: *William D. McClendon, M.D.*  
**WILLIAM D. MCCLENDON, M.D., VICE PRESIDENT**

**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**  
**IN THE MATTER OF THE PHYSICIAN'S LICENSE OF**  
**JEAN MARIE BARKER, M.D.**  
**ORDER OF CONTINUANCE**

**THIS MATTER** came on regularly for consideration by the Mississippi State Board of Medical Licensure, in response to a request for continuance of the hearing set for November 19, 2020, made by Jean Marie Barker, M.D. (hereinafter "Licensee"). After consideration of the matter, the Board finds Licensee's request to be well taken.

**IT IS, THEREFORE, ORDERED**, that this matter is continued until January 21, 2021 at 9:00 a.m.

**SO ORDERED**, this the 19th day of November, 2020.

**MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**

BY:   
**WILLIAM D. MCCLENDON, M.D., VICE PRESIDENT**

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

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

**OF**

**JOHN BENUS, D.P.M.**

**CONSENT ORDER**

**WHEREAS, JOHN BENUS, D.P.M.,** hereinafter referred to as "Licensee," is the current holder of Mississippi Medical License No. 80030, said license number expires on June 30, 2021;

**WHEREAS,** the Investigative Staff of the Mississippi State Board of Medical Licensure, hereinafter referred to as the "Board," has conducted an investigation of Licensee and has in its possession evidence which, if produced during the course of an evidentiary hearing, would show that Licensee has administered, prescribed or dispensed controlled substances otherwise than in the course of legitimate professional practice by the use of pre-signed prescriptions; has failed to maintain proper and complete medical records as they relate to chronic and non-chronic pain; has failed to complete the requisite five (5) hours of Continuing Medical Education (CME) for the 2016-2018 cycle related to the prescribing of medication with an emphasis on controlled substances, while attesting he had on his 2019 licensure renewal; and is guilty of unprofessional conduct, which includes being guilty of any dishonorable or unethical conduct likely to deceive, defraud or harm the public;

**WHEREAS,** the above conduct, if established before the Board in the course of a full evidentiary hearing, constitutes violations of the Mississippi Medical Practice Act, specifically, Subsections (3), (8)(d) and (f), and (13) of § 73-25-29 and §73-25-83(a), Miss. Code Ann., as amended, 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 avoid an evidentiary hearing before the Board and, in lieu thereof, has agreed to enter into this Consent Order;

**NOW, THEREFORE, the Mississippi State Board of Medical Licensure, with consent of Licensee as signified by his joinder herein, does hereby suspend Licensee's medical license for a period of at least one (1) year beginning October 31, 2020, subject to the following terms and conditions:**

- 1. Licensee shall, within one (1) year of the date of acceptance of this order, successfully complete Board approved Continuing Medical Education (CME) in the areas of (i) Medical Ethics, (ii) Prescribing of Controlled Substances, and (iii) Medical Record Keeping, said courses to be selected from the list of Board approved courses attached hereto as Exhibit "A". Licensee shall provide the Board's Clinical Director of Physician Compliance with proof of attendance, participation, and successful completion in each aspect of the courses required herein. Any credit received for such CME shall be in addition to the usual forty (40) hours of Category I credits required by Board regulation. Subject to Covid-19 restrictions, Licensee shall wherever possible take all CME on-site. Exceptions may be granted by the Board's executive director, thus permitting on-line CME or by other means.**
- 2. Upon expiration of one (1) year from the date of approval of this Consent Order, Licensee shall have the right, but not the obligation, to petition the Board for reinstatement of his podiatric medical license. When considering any request for return to practice, the Board shall take it to consideration completion of the aforementioned CME, Licensee's practice plan and whether or not controlled substance privileges should be considered. Notwithstanding, the Board reserves the right in its sole and absolute discretion to place whatever restrictions deemed necessary to protect the public**
- 3. Licensee shall obey all federal, state and local laws, and all rules and regulations governing the practice of medicine. Any further violations shall result in further action, up to and including revocation.**

4. Licensee shall reimburse the Board for all costs incurred in relation to the pending matter pursuant to Miss. 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 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 to Licensee's current mailing address.
5. Licensee shall report in writing to the Board within ten (10) days of any change in his practice location and/or change in employment.
6. Licensee hereby agrees to provide any and all reports or records to the Executive Director, the Investigative Staff of the Board, and/or any member of the Board, that are the subject of a written request to Licensee. Such records or reports shall be provided within seven (7) business days of Licensee's receipt of said written request.

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.

Should the Board hereafter receive documented evidence of Licensee violating any of the terms and conditions of this Consent Order, the Board shall have the right, pursuant to a full evidentiary hearing, to revoke the medical license of Licensee, suspend it for a time deemed proper by the Board, or take any other action determined as necessary by the Board.

Further, it is not the intent or purpose of this Order to encourage malpractice liability as a result of Board action. Therefore, by execution of this Consent Order, Licensee is not admitting to or acknowledging any act of malpractice.

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 any other agency, insurance carrier, panel, board or jurisdiction 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., § 73-25-27 (1972), to be represented therein by legal counsel of his choice, and to a final decision rendered upon written findings of fact and conclusions of law, JOHN BENUS D.P.M., nevertheless, 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 medical license, subject to those terms and conditions listed above.

EXECUTED AND EFFECTIVE, this the \_\_\_\_\_, day of October, 2020.

  
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JOHN BENUS D.P.M.

ACCEPTED AND APPROVED, this the 18<sup>th</sup> day of November, 2020, by the Mississippi State Board of Medical Licensure.

  
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Jeanne Ann Rea, M.D.  
President

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

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IN THE MATTER OF THE APPLICATION FOR THE LICENSURE OF:

JAMES BENJAMIN BURKE, M.D.

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**DETERMINATION AND ORDER**

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The above-titled matter came before the Mississippi State Board of Medical Licensure in Jackson, Hinds County, Mississippi, on November 18, 2020, pursuant a petition filed by James Benjamin Burke, M.D. (hereinafter referred to as "Licensee") seeking removal of certain restrictions on his license, thereby prohibiting him from treating female patients. A quorum of Board members was present throughout the hearing and deliberation in the matter.

Licensee, being fully informed of his rights to a formal hearing before the Board, was represented by Doug Mercier, Esq. Board Counsel, Stan Ingram, Esq., was present to respond the petition. The matter was called to hearing without objection from either party.

Alexis Morris, Special Assistant Attorney General, who served as Administrative Hearing Officer, presided at the hearing and was directed to prepare the Board's written decision in accordance with its deliberations.

And now, upon consideration of all the material produced in the record before the Board, along with the testimony presented at the hearing, the Board renders the following Order based on clear and convincing evidence:

1. The Board is established pursuant to the Mississippi State Board Medical Licensure Act, Title 73, Chapter 43 of the Mississippi Code of 1972 as amended, and is charged with the duty of licensing and regulating the practice of medicine in the State of Mississippi.



2. Section 73-25-29, and 73-25-83, 73-25-87 of the Mississippi Code Annotated (1972) as amended, provide that the Board may revoke, suspend or restrict a license previously issued or may deny removal of a restriction if the licensee has violated any provisions therein.
3. Counsel for the Board submitted two (2) exhibits, one being a chronology of the extensive history which Licensee has had with the Board and the second being a composite exhibit of documentation in support of the extensive history. Counsel for Licensee also introduced seven (7) exhibits in support of his request for authorization to treat female patients.
4. The Board sees no reason to repeat the extensive history of Licensee. In lieu thereof, reference is made to that certain Order Denying Removal of Restrictions rendered January 17, 2019, introduced as Tab 19 to the Board's composite Exhibit No. 2. This Order sets forth a comprehensive discussion of Licensee's history beginning with the surrender of his license to practice medicine in the state of Alabama, issuance of a restricted license in Mississippi, multiple evaluations and treatments for professional sexual misconduct and multiple failures to comply with monitoring requirements imposed by Licensee's monitoring agreement with the Mississippi Physician Health Program. In the January 17, 2019 Order, the Board declined to authorize Licensee to treat female patients and continued the requirement that he treat only male patients in a structured-supervised environment such as a correctional institution. The Order went on to state that in order for Licensee to be eligible for reconsideration he must undergo a further multidisciplinary evaluation at a facility approved by the Board and found to be capable of practicing medicine with reasonable skill and safety to both male and female patients. The evaluation report would then make "recommendations" to the Board.
5. On October 28-30, 2019, Licensee again submitted to a multidisciplinary evaluation by Acumen Assessments LLC, Lawrence Kansas. Acumen rendered its report and recommendations on December 5, 2019. The evaluation report was introduced by both counsels of record.
6. In summary, Acumen found that Licensee was rehabilitated based on significant changes in his personal life to help prevent against vulnerabilities that made him susceptible to the gross sexual misconduct approximately 18 years ago. Acumen further stated that the risk of Licensee engaging in future sexual misconduct is very low, provided he practices in a structured environment, preferably a group practice and that any contact with female patients will be monitored. While the risk of Licensee committing future acts of professional sexual misconduct is low, the Board recognizes there are no guarantees. As noted by Acumen, Licensees fitness to return to an

unrestricted practice is challenged by his history of failure to comply with conditions imposed by his monitoring agreement with the Mississippi Physician Health Program, and his tendency to make statements (referred to as “verbal hiccups”) to females (patients or staff), which may be misinterpreted as being inappropriate. Furthermore, the Board notes several inconsistencies in Licensee’s testimony regarding the past acts of sexual misconduct. In particular, Licensees stated that he engaged in sexual activity with seven (7) patients, while records from the state of Alabama indicates that this number may be as much as ten (10). More troubling, license reported to Acumen that all sexual encounters were consensual, when in fact a review of the Alabama documentation clearly indicates otherwise.

7. Rather than a total removal of all restrictions pertaining to treatment of female patients, the Board believes the best course of action would be a gradual return of such privileges. The means by which to accomplish this goal would be to permit Licensee to supervise and direct treatment of female patients by other healthcare practitioners.

#### CONCLUSIONS OF LAW

1. The Board has jurisdiction in this matter pursuant to Sections 73-25-29 and 73-25-83(a), Mississippi Code of 1972, as amended. Venue is likewise properly placed before the Board to hear this matter in Hinds County, Mississippi.
2. These proceedings were duly and properly convened, and all substantive and procedural requirements under law have been satisfied. This matter is, therefore, properly before the Board.
3. The Board is authorized to license and regulate persons who apply for or hold medical licenses and prescribe conditions under which persons may practice in order to protect the public health, safety and welfare.
4. The Licensee bears the burden of establishing that he satisfies the requirements for licensure as a medical doctor.
5. According to Section 73-25-29, the Board may deny an application for a Mississippi license to practice medicine.

Based upon the findings and conclusions, the Board finds the following order to be appropriate under the circumstances.

**ORDER**

**IT IS THEREFORE ORDERED THAT** based upon the above, it is the decision of the Board to deny Licensee's request for authorization to directly treat female patients. Licensee's practice of medicine shall remain in a structured-supervised setting such as a correctional institution, treating male patients only. Notwithstanding, Licensee is hereby authorized to supervise other healthcare practitioners (physicians, nurse practitioners or physician assistance) who directly treat female patients.

**IT IS FURTHER ORDERED** that Licensee be required to cooperate with the Board, its attorneys, investigators, and other representatives in the investigation and monitoring of Respondent's practice and compliance with the provisions of this Determination and Order.

**IT IS FURTHER ORDERED** that if Licensee violates the terms of this Determination and Order or further violates the laws, rules and regulations governing the practice of medicine, the Board may take further disciplinary action against Licensee, up to and including revocation of his license.

**IT IS FURTHER ORDERED** that this action and order of the Board shall be public record. It may be shared with other licensing Boards (in and out of state), and the public, and may be reported to the appropriate entities as required or authorized by state and/or federal law or guidelines. This action shall be spread upon the Minutes of the Board as its official act and deed.

**SO ORDERED** this, the 18<sup>th</sup> day of November 2020.

**MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**

BY: William D. McClendon, M.D.  
**WILLIAM D. MCCLENDON, M.D., VICE PRESIDENT**

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

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**IN THE MATTER OF THE LICENSE OF:**

**ELAINE RUTH REINHARD, M.D.**

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**DETERMINATION AND ORDER**

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The above-titled matter came before the Mississippi State Board of Medical Licensure (hereinafter "Board") in Jackson, Hinds County, Mississippi, on November 19, 2020, pursuant to a Summons and Affidavit duly issued to Elaine Ruth Reinhard, M.D. A quorum of Board members was present throughout the hearing and deliberation in the matter.

Board Counsel Stan Ingram, Esq., presented the charges as set forth in the Affidavit. Elaine Ruth Reinhard, M.D., having been served with the Summons was fully informed of her rights to a formal hearing before the Board. The matter was originally set for hearing on July 30, 2020, but was continued twice at the request of her attorney, F. Greg Malta, Esq. The matter was called on the docket, at which time it was announced that the Respondent, Elaine Ruth Reinhard, M.D., failed to appear or defend. Board Counsel was then directed to proceed.

Alexis Morris, Esq., Special Assistant Attorney General, who served as Administrative Hearing Officer, presided at the hearing and was directed to prepare the Board's written decision in accordance with its deliberations.

And now, upon consideration of all the material produced in the record before the Board, along with the testimony presented at the hearing, the Board makes the following Findings of Fact, Conclusions of Law and Order based on clear and convincing evidence:

## FINDINGS OF FACT

1. The Board is established pursuant to the Mississippi State Board Medical Licensure Act, Title 73, Chapter 43 of the Mississippi Code of 1972 as amended, and is charged with the duty of licensing and regulating the practice of medicine in the State of Mississippi pursuant to Title 73, Chapter 25 of the Mississippi Code of 1972 as amended
2. Sections 73-25-29, 73-25-83 and 73-25-87 of the Mississippi Code Annotated (1972) as amended provide that the Board may revoke or suspend a license or take any other actions as deemed necessary if a license has violated any provisions therein.
3. That Elaine Ruth Reinhard, M.D., hereinafter referred to as "Licensee," was licensed to practice medicine in the State of Mississippi on October 15, 2001, by issuance of Mississippi Medical License Number 17415, said license is current through June 30, 2021.
4. During July 2019, Licensee came under investigation by the Board pertaining to questionable prescribing of controlled substances. To avoid a hearing, Licensee executed a Consent Order with the Board on October 29, 2019. In addition to continuing medical education, the Consent Order specifically provided as follows:

“Licensee shall take immediate steps to contact the medical director of the Mississippi Physician Health Program (MPHP) and disclose all facts which prompted Licensee’s execution of this Consent Order, shall make arrangements to submit to evaluation for potential mental, emotional or physical impairment at the facility approved in advance and in writing by MPHP at the Board.”
5. The Board approved the above noted Consent order on November 14, 2019.
6. During January 2020, the Board was advised that Licensee failed to contact the MPHP. As a result, the aforementioned Summons and Affidavit was served on Licensee. Through multiple forms of communication, including direct telephone communication as well as emails, Licensee’s attorney was advised of the situation who took steps to encouraged Licensee to make immediate contact with MPHP. While contact was made, Licensee failed to take further steps to submit to the required evaluation. The matter was continued on July 29, 2020 until September 17, 2020 and thereafter continued again from September 17, 2020 to this date.

7. Notwithstanding the fact that Licensee executed an Agreement Not to Practice Medicine pending her evaluation, Licensee's total failure to respond to any and all good faith efforts by the Board for her to seek help is concerning.

### CONCLUSIONS OF LAW

1. The Board has jurisdiction in this matter pursuant to Sections 73-25-29, and 73-25-83(a), Mississippi Code of 1972, as amended. Venue is likewise properly placed before the Board to hear this matter in Hinds County, Mississippi.
2. These proceedings were duly and properly convened, and all substantive and procedural requirements under law have been satisfied. This matter is, therefore, properly before the Board.
3. The Board is authorized to license and regulate persons who apply for or hold medical licenses and prescribe conditions under which persons may practice in order to protect the public health, safety and welfare.
4. Based on the evidence and testimony presented, Licensee is guilty of **Count I** of the Affidavit, by virtue of her failure to take immediate steps to contact the medical director of the Mississippi Physician Health Program and submit to an evaluation, all as required by order of the Board, all in violation of Miss. Code Ann., §73-25-29(13).
5. Based on the evidence and testimony presented, Licensee is guilty of **Count II** of the Affidavit, that is, guilty of unprofessional conduct, which includes, but is not limited to being guilty of any dishonorable or unethical conduct likely to deceive, defraud, or harm the public, all in violation of Miss. Code Ann., §73-25-29(8)(d) and §73-25-83(a).

Based upon the above Findings of Fact and Conclusions of Law, the Board finds the following order to be appropriate under the circumstances.

**ORDER**

**IT IS THEREFORE ORDERED THAT** Mississippi Medical license No. 17415, issued to Elaine Ruth Reinhard, M.D., is hereby revoked.

**IT IS FURTHER ORDERED** that this Determination and Order shall be public record. It may be shared with other licensing Boards (in and out of state), and the public, and may be reported to the appropriate entities as required or authorized by state and/or federal law or guidelines. This action shall be spread upon the Minutes of the Board as its official act and deed.

**SO ORDERED** this, the 19<sup>th</sup> day of November 2020.

**MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**

BY: *William D. McClendon M.D. FACP*  
**WILLIAM D. MCCLENDON, M.D., VICE PRESIDENT**

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

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**IN THE MATTER OF THE LICENSE OF:**

**JOSEPH ALAN JACKSON, M.D.**

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**DETERMINATION AND ORDER**

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The above-titled matter came before the Mississippi State Board of Medical Licensure (hereinafter "Board") in Jackson, Hinds County, Mississippi, on November 19, 2020, pursuant to a Summons and Amended Affidavit issued to Joseph Alan Jackson, M.D. A quorum of Board members was present throughout the hearing and deliberation in the matter.

Board Counsel Stan Ingram, Esq., presented the charges as set forth in the Amended Affidavit. Licensee, having been served with the Summons and being fully informed of his rights to a formal hearing before the Board, was represented by Michael Crosby, Esq. The matter was called to hearing without objection from either party.

Alexis Morris, Esq., Special Assistant Attorney General, who served as Administrative Hearing Officer, presided at the hearing and was directed to prepare the Board's written decision in accordance with its deliberations.

And now, upon consideration of all the material produced in the record before the Board, along with the testimony presented at the hearing, the Board makes the following Findings of Fact, Conclusions of Law and Order based on clear and convincing evidence:



## FINDINGS OF FACT

1. The Board is established pursuant to the Mississippi State Board Medical Licensure Act, Title 73, Chapter 43 of the Mississippi Code of 1972 as amended, and is charged with the duty of licensing and regulating the practice of medicine in the State of Mississippi pursuant to Title 73, Chapter 25 of the Mississippi Code of 1972 as amended
2. Sections 73-25-29, 73-25-83 and 73-25-87 of the Mississippi Code Annotated (1972) as amended provide that the Board may revoke or suspend a license or take any other actions as deemed necessary if a license has violated any provisions therein.
3. That Joseph Alan Jackson, M.D., hereinafter referred to as "Licensee," was licensed to practice medicine in the State of Mississippi on June 15, 1979, by issuance of Mississippi Medical License Number 08636, said license is current through June 30, 2021.
4. That on or about June 3, 2019, Investigators from the Coastal Drug Enforcement Administration Task Force (DEA TF) interviewed a Confidential Informant (CI) who provided information that led them to believe that Licensee was prescribing outside of the usual scope of professional practice.
5. At all times pertinent to the charges as filed herein, Licensee engaged in a romantic/sexual relationship with Patient TL. Such conduct occurred at a time when Licensee was treating Patient TL, including prescribing controlled substances having addiction-forming or addiction-sustaining liability. Other boundary violations include:
  - A. Providing money to bail Patient TL out of jail.
  - B. Providing money and/or his credit card to said patient.
  - C. Providing said patient with Licensee's email addresses, phone number, and photo of Florida driver's license.
6. Contact with the Prescription Monitoring Program as maintained by the Mississippi Pharmacy Board reveals that from October 2017 through July 2019, Licensee issued to Patient TL 36 prescriptions for various forms of controlled substances, including but not limited to Suboxone, Ultram, Percocet, Oxycodone, Adderall, Klonopin and Testosterone. Licensee treated Patient TL for addiction to opioids using Suboxone, yet also prescribed opioids.
7. Between April 6, 2018 – June 06, 2019, Licensee issued to Patient TL approximately 12 prescriptions for Testosterone or Depo-Testosterone, along with non-controlled medications of similar purpose such as Arimidex, Human Chorionic Gonadotropin (HCG), Clomiphene, and Oxandrolone, all based on a

diagnosis of low testosterone, with no discussion or entry as to why they are being prescribed and all without the benefit of laboratory or diagnostic results being entered in the chart.

8. Between April 6, 2018 – June 06, 2019, Licensee issued to Patient TL approximately eight (8) prescriptions for various quantities of Adderall, a form of amphetamine, based on an entered diagnosis of Attention Deficit Disorder (F90.0). However, the patient record reveals no collateral records, diagnostic testing or examinations to support the diagnosis of Attention Deficit Disorder. The sole justification or basis for the diagnosis was an entry of January 17, 2018 stating “SINCE RESTARTING SUBOXONE FOR PAIN HE IS HAVING MORE PROBLEMS WITH ADHD HE SUFFERED FROM AS AN ADOLESCENT. WOULD LIKE TO RESTART.” The prescription issued to Patient TL permitted the patient to concomitantly use the stimulant Adderall along with Buprenorphine or Tramadol.
9. A review of the patient file reveals that Licensee often allowed Patient TL to dictate the controlled substance he wanted. For example, at the request of the patient, on August 14, 2018, Licensee knowingly issued a prescription ten (10) days early for an increased dosage of Adderall, despite the fact that Licensee had warning Patient TL to cut back on his use of the drug. During the hearing, Licensee acknowledged that he failed to exercise proper discretion and objectivity as to same.
10. Despite maintaining an extensive electronic medical record for Patient TL, said records revealed on one entry documenting the patient’s vitals. Additionally, the electronic medical record contained no entries evidencing that Licensee:
  - documented a plan of care or treatment plan (i.e. physical therapy, injections) outside of prescribing controlled substances.
  - performed any diagnostic or radiological tests, or if performed, the results were not placed or documented in this file.
  - referred Patient TL to other providers for consultation, and if such referrals were made, they were not documented in the chart.
11. At all times pertinent to the charges as filed herein, Licensee operated a Pain Management Medical Practice, holding a duly issued certificate of registration from the Board. As such, effective October 28, 2018, Licensee was required to access the Mississippi Prescription Monitoring Program (PMP) at each patient encounter in which a prescription for a controlled substance is issued. A review of the medical record for Patient TL reveals that Licensee failed on multiple occasions to access the PMP, all in violation of Part 2640, Chapter 1, Rule 1.3 and Rule 1.14, of the Rules and Regulations of the Board *Pertaining to the Prescribing, Administering and Dispensing Medications*.

12. During the period of time in which Licensee treated Patient TL, that is, October, 2017 through July, 2019, Licensee failed to document or enter into the patient eight (8) prescriptions for controlled substances as required by Part 2640, Chapter 1, Rule 1.4, of the Rules and Regulations of the Board *Pertaining to the Prescribing, Administering and Dispensing Medications*.
13. During the hearing, Licensee openly acknowledged his guilt of Professional Sexual Misconduct (PSM), that is, having a romantic or sexual relationship with a patient. Licensee also acknowledged that such conduct is harmful to the patient and jeopardizes the physician objectivity needed to properly treat the patient.
14. The Board also heard testimony from Randall Sherman, MD, called without objection as an expert witness in the area Addiction Medicine. It was the opinion of Dr. Sherman that Licensee's treatment of Patient TL was inappropriate and reflected lack of objectivity.

#### CONCLUSIONS OF LAW

1. The Board has jurisdiction in this matter pursuant to Sections 73-25-29, and 73-25-83(a), Mississippi Code of 1972, as amended. Venue is likewise properly placed before the Board to hear this matter in Hinds County, Mississippi.
2. These proceedings were duly and properly convened, and all substantive and procedural requirements under law have been satisfied. This matter is, therefore, properly before the Board.
3. The Board is authorized to license and regulate persons who apply for or hold medical licenses and prescribe conditions under which persons may practice in order to protect the public health, safety and welfare.
4. Based on the evidence and testimony presented, Licensee is guilty of **Count I** of the Affidavit, that is, guilty of unprofessional conduct, which includes, but is not limited to being guilty of any dishonorable or unethical conduct likely to deceive, defraud, or harm the public by virtue of his fostering a romantic and business relationship with a patient, all in violation of Miss. Code Ann., §73-25-29(8)(d) and §73-25-83(a).
5. Based on the evidence and testimony presented, Licensee is guilty of **Count II** of the Affidavit, that is, guilty of administering, dispensing or prescribing any

narcotic drug, or any other drug having addiction-forming or addiction-sustaining liability, otherwise than in the course of legitimate professional practice, all in violation of Miss. Code Ann., § 73-25-29(3).

6. Based on the evidence and testimony presented, Licensee is not guilty of **Count III** of the Affidavit.
  
7. Based on the evidence and testimony presented, Licensee is guilty of **Count IV** of the Affidavit, that is, Licensee is in violation of the Rules and Regulations of the Board, "Pertaining to Prescribing, Administering and Dispensing of Medication", Part 2640, Rule 1.3 and Rule 1.14, as a result of Licensee's failure to query the Mississippi Prescription Monitoring Program when required, and thereafter document the results of said query in the medical record all in violation of Miss. Code Ann., § 73-25-29(13).
  
8. Based on the evidence and testimony presented, Licensee is guilty of **Count V** of the Affidavit, that is, Licensee is in violation of the Rules and Regulations of the Board, "Pertaining to Prescribing, Administering and Dispensing of Medication", Part 2640, Rule 1.4 *Patient Record*, as a result of Licensee's failure to document in the medical record the issuance of all prescriptions for controlled substances, including the name, dose, strength and quantity of the drug prescribed, all in violation of Miss. Code Ann., § 73-25-29(13).

Based upon the above Findings of Fact and Conclusions of Law, the Board finds the following order to be appropriate under the circumstances.

#### **ORDER**

**IT IS THEREFORE ORDERED THAT** Mississippi Medical license No. 08636, issued to Joseph Alan Jackson, M. D., is hereby suspended for a period of at least one (1) year.

**IT IS FURTHER ORDERED** that during the aforementioned one (1) year suspension, Licensee shall enter and complete a comprehensive psychosexual evaluation at a facility approved by the Board. The Board shall provide Licensee with a list of Board approved facilities. Licensee shall execute any and all releases so as to permit the Board to communicate with the treatment facility and receive directly from the facility any and all evaluation results. Licensee shall adhere to any and all treatment recommendations rendered by the evaluation facility.

**IT IS FURTHER ORDERED** that during the aforementioned one (1) year suspension, Licensee shall enter and successfully complete a comprehensive clinical

competency evaluation at a facility approved by the Board. The Board shall provide Licensee with a list of Board approved facilities. Licensee shall execute any and all releases so as to permit the Board to communicate with the treatment facility and receive directly from the facility any and all evaluation results. Licensee shall adhere to any and all treatment recommendations rendered by the evaluation facility.

**IT IS FURTHER ORDERED** that upon expiration of the aforementioned one (1) year suspension, and provided Licensee has completed the evaluations and any recommended follow-up therapies and educational requirements, Licensee shall have the right, but not the obligation, to petition the Board for reinstatement and return to practice. At such time Licensee shall present the Board with a plan of practice. Notwithstanding, the Board reserves a right in its sole and absolute discretion to impose any other restriction deemed necessary to protect the public.

**IT IS FURTHER ORDERED** that Licensee shall reimburse Board for all costs incurred in relation to the pending matter pursuant to Miss. Code Ann. Section 73-25-30. Licensee shall be advised of the total assessment, not to exceed \$10,000, by written notification, and shall tender to the Board a certified check or money order within forty (40) days after the date the assessment is mailed to Licensee via US mail to Licensee's current mailing address.

**IT IS FURTHER ORDERED** that Licensee shall cooperate with the Board, its attorneys, investigators, and other representatives in the investigation and monitoring of Licensee's practice and compliance with the provisions of this Determination and Order.

**IT IS FURTHER ORDERED** that if Licensee violates the terms of this Determination and Order or further violates the laws, rules and regulations governing the practice of medicine, the Board may take further disciplinary action against Licensee, up to and including revocation of his license.

**IT IS FURTHER ORDERED** that this Determination and Order shall be public record. It may be shared with other licensing boards (in and out of state), and the public, and may be reported to the appropriate entities as required or authorized by state and/or federal law or guidelines. This action shall be spread upon the Minutes of the Board as its official act and deed.

**SO ORDERED** this, the 19<sup>th</sup> day of November 2020.

**MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**

BY: William D. McClendon M.D. FACP  
**WILLIAM D. MCCLENDON, M.D., VICE PRESIDENT**