

BOARD MINUTES
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
October 26, 2020

A specially called Zoom meeting of the Mississippi State Board of Medical Licensure was held on October 26, 2020, Jackson, Mississippi.

THE FOLLOWING MEMBERS WERE PRESENT:

J. Ann Rea, M.D., Columbus, President
David W. McClendon, Jr., M.D., Ocean Springs, Vice President
Michelle Y. Owens, M.D., Jackson, Secretary
Kirk L. Kinard, D.O., Oxford
Daniel Edney, M.D., Vicksburg
Thomas Joiner, M.D., Jackson

ALSO PRESENT:

Alexis Morris, Special Assistant Attorney General
Stan T. Ingram, Complaint Counsel for the Board
Kenneth Cleveland, Executive Director
Mike Lucius, Deputy Director
Anna Boone, Director, Licensure Division
Leslie Ross, Director of Investigations
Frances Carrillo, Staff Officer

NOT PRESENT:

Charles D. Miles, M.D., West Point
H. Allen Gersh, M.D., Hattiesburg
C. Kenneth Lippincott, M.D., Tupelo

The Zoom meeting was called to order at 4:00 p.m. by Dr. Rea, President, directing the meeting to Dr. Cleveland to perform roll call of Board Members. Dr. Cleveland verified that there was a quorum present.

Draft Proclamation presented for the Board's review

Dr. Rea directed Dr. Cleveland to read the Proposed Proclamation.

Dr. Cleveland read the Proclamation to the Board.

Dr. Cleveland turned the meeting over to Dr. Rea for discussion.

After a brief discussion and questions, a motion was made by Dr. Joiner, seconded by Dr. McClendon and carried unanimously to approve the Proclamation as written.

Approval of Investigative Subpoenas 2020-0603-1 and 2020-0603-2 Pursuant to MCA Section §73-25-27

Dr. Rea advised that the Board consider approving two Investigative Subpoenas, for case numbers 2020-0603-1 and 2020-0603-2. Dr. Rea requested a motion to go into executive session.

A motion was made by Dr. McClendon, seconded by Dr. Owens and carried to close the meeting to consider whether to enter into executive session on this matter.

A motion was made by Dr. Owens, seconded by Dr. Joiner and carried that the Board enter into executive session for the purpose of discussing whether to issue subpoenas regarding investigations of alleged misconduct and violations of the statutes and regulations governing the practice of medicine for case numbers 2020-0603-1 and 2020-0603-2.

Upon a motion by Dr. Owens seconded by Dr. Edney and carried unanimously, the Board came out of executive session. It was reported that the Board unanimously authorized the issuance of investigative subpoenas in case numbers 2020-0603-1 and 2020-0603-2. Pursuant Miss. Code Ann. §73-25-27, the Executive Director of the Board is hereby authorized to issue the aforementioned investigative subpoenas and this authorization shall be deemed an order entered on the minutes of the Board.

ADJOURNMENT

There being no further business, Dr. Rea adjourned the meeting at 4:30 p.m.



Jeanne Ann Rea, M.D.
President

Minutes taken and transcribed by:

Frances Carrillo
October 26, 2020



MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

PROCLAMATION

WHEREAS, on March 14, 2020, pursuant to the Constitution of the State of Mississippi and Miss Code Ann §33-15-11(b)(17), the Governor of the State of Mississippi issued a Proclamation declaring that a State of Emergency exists in the State of Mississippi as a result of the outbreak of COVID-19; and

WHEREAS, in order to secure emergency / rapid medical licensing early in the pandemic and in anticipation of a possible surge and stress on the Mississippi healthcare system, the Mississippi State Board of Medical Licensure (hereinafter "Board") adopted a series of proclamations; and clarifying that as to in-state physicians, when practicing telemedicine, the requirement for a pre-existing doctor-patient relationship does not apply; and

WHEREAS, on March 15, 2020, the Mississippi State Board of Medical Licensure issued a Proclamation announcing that it would not enforce any statute, rule or regulation requiring physicians to personally examine patients prior to the issuance of a prescription or order for the administration of medication, including control substances, all in an effort to encourage the use of telemedicine during the state of emergency; and

WHEREAS, on March 24, 2020, the Board issued an Amended Proclamation clarifying that until action is taken to lift the emergency, out-of-state physicians may utilize telemedicine when treating patients in Mississippi with whom they already have a pre-existing doctor-patient relationship, without the necessity of securing a license to practice medicine in the state, provided the out-of-state physician holds an unrestricted license to practice medicine in the state in which the physician practices and currently is not the subject of an investigation or disciplinary proceeding and so advises the Board; and

WHEREAS, on April 5, 2020, the Board issued a Supplemental Proclamation further clarifying that the waiver of all Mississippi licensing requirements for out-of-state physicians or physician assistants pertained solely to those whose specialty services such as pulmonologists and nephrologists, are determined to be necessary by the Mississippi Department of Health ("MSDH"); and

WHEREAS, the aforementioned proclamations were designed to suspend certain regulatory requirements in order to give the MSDH the ability and flexibility to promptly and urgently call for specialties needed to cope with COVID on a temporary emergency basis; and

WHEREAS, it has now been over six (6) months and the Mississippi healthcare system has managed without the need for further emergency temporary licensing; and

WHEREAS, in consultation with State Health Officer, there is now no longer a need for any additional or new emergency temporary licensed out-of-state physicians pursuant to the emergency / urgent procedures established by the aforementioned proclamations; and

WHEREAS, the Board recognizes the continuing importance for Mississippi patients to have continued access to their physicians with whom they have an established a doctor / patient relationship; and

WHEREAS, with no ongoing urgent need for emergency / temporary licensing, the importance of resuming established regulatory licensing procedures is needed to protect Mississippi patients and ensure safety and quality of care that the Board is charged with maintaining; and

WHEREAS, to avoid disruption of care, the Board recognizes the need to allow out-of-state physicians currently holding emergency / temporary licenses pursuant to the previous Proclamations adequate time to submit, and apply for and obtain full unrestricted licensure.

NOW THEREFORE, effective immediately, the previous COVID proclamations dated March 15, 2020, March 24, 2020, and April 5, 2020, are hereby superseded by this Proclamation and are rescinded to the extent consistent with this Proclamation. Regular licensure procedures shall be resumed.

FURTHER, as to those out-of-state physicians who currently hold an emergency license to treat Mississippi patients via telemedicine, such emergency licenses shall remain in full force and effect until January 31, 2021. Those out-of-state physicians holding temporary / emergency licenses wishing to continue to provide care must submit an application for a full unrestricted license on or before December 31, 2020. In the event an applicant is unable to complete the licensure process on or before January 31, 2021, for reasons beyond the applicant's control, the Executive Director of the Board shall have the authority to extend the deadline on a case by case basis.

FURTHER, as to those physicians currently holding a valid unrestricted license to practice medicine in the state of Mississippi, the emergency telemedicine waiver of the requirement of pre-existing doctor-patient relationship shall remain until further notice.

FURTHER, as to those physicians currently holding a valid unrestricted license to practice medicine in the state of Mississippi, the emergency telemedicine waiver of the prohibition against prescribing controlled substances, unless otherwise prohibited by law, shall remain until further notice.

FURTHER, the Executive Director of the Board shall provide notice of this action to all current holders of licensees by email and on the Board's website.

SO ORDERED AND APPROVED by the Mississippi State Board of Medical Licensure, this is the 26th day of October, 2020.

MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

By: 
Kenneth Cleveland, M.D., Executive Director