

**BOARD MINUTES
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
MAY 20, 2021**

The regularly scheduled meeting of the Mississippi State Board of Medical Licensure was held on Thursday May 20, in Hinds County, Jackson, Mississippi.

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
Kirk L. Kinard, D.O., Oxford
H. Allen Gersh, M.D., Hattiesburg
Thomas Joiner, M.D., Jackson
Roderick Givens, M.D., Natchez
Major General (Ret.) Erik Hearon, Jackson, Consumer Member
Wesley Breland, Hattiesburg, Consumer Member
Shoba Gaymes, Jackson, Consumer Member

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
Kristin Wallace, Clinical Director of Physician Compliance
Jonathan Dalton, Investigations Supervisor
Frances Carrillo, Staff Officer

The meeting was called to order at 10:01 am, by Dr. McClendon, Acting President. The invocation was given by Dr. Joiner and the pledge was led by Maj. Gen. Hearon.

Special Assistant Attorney General Alexis Morris administered the Oath of Office to reappointed Board Members, Dr. Lippincott, representing the Third Supreme Court District, Dr. Owens representing the First Supreme Court District and newly appointed Dr. Givens representing the Second Supreme Court District.

Dr. McClendon advised that the Consumer Members Mr. Breland, Maj. Gen. Hearon and Ms. Gaymes have been reappointed to serve three more years and thanked them for their service to the Board.

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

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Dr. McClendon recognized Dr. Rea, as a Board member for seven years, serving as President, Vice President and Secretary throughout her time with the Board. Dr. McClendon read and presented to Dr. Rea a Resolution of Appreciation.

A copy of the Resolution Appreciation is attached and incorporated by reference.

Dr. McClendon introduced Alexis Morris, Special Assistant Attorney General as the Board's Hearing Officer and Tammi Fulghum, 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 March through April 2021. Dr. Cleveland advised that Jonathan Dalton has been named as the new Director of Investigations. Dr. Cleveland reported the renewal numbers to date of Licensees for the fiscal year 2021-2022. Dr. Cleveland briefly summarized the approved Budget for the new fiscal year.

Review and Approval of Minutes of the Executive Committee Meeting dated March 24, 2021.

Upon review of the minutes of the Executive Committee Meeting dated March 24, 2021, 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 dated March 24 and 25, 2021.

Upon review of the minutes of the Board Meeting dated March 24 and 25, 2021, Dr. Joiner moved for approval of the minutes as submitted. Dr. Owens seconded the motion and it carried unanimously.

Report of May 20, 2021, Executive Committee Meeting

Dr. Owens reported on the matters discussed by the Executive Committee on May 20, 2021, and recommendations made.

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. Joiner, and carried of the Board's decision to ratify the decisions of the Executive Committee's meeting.

REPORTS FROM COMMITTEES

Nomination Committee - Dr. Miles (Chair), Dr. Edney, Dr. Joiner, Mr. Breland

Dr. Miles advised the Nomination Committee met and discussed candidates for Board Officers and gave the slate of officers to be presented for vote are Dr. Lippincott for the position of Secretary, Dr. Owens for the position of Vice President and Dr. McClendon for the position of President.

A motion was made by Dr. Joiner, seconded by Dr. Kinard, and carried of the Board's decision to approve the Nomination Committee's slate of officers.

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

Dr. Owens advised there were no issues brought up to the Scope of Practice Committee.

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

Dr. Lippincott advised Dr. Hambleton is working with Dr. Cleveland to offer the services of the Mississippi Physician Health Program to medical students.

Telemedicine I 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.

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.

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

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Dr. Miles advised that the committee met that morning to consider updated language and changes for the following regulation:

Part 2635: Chapter 5 Practice of Telemedicine – unrestricted License.

Part 2635: Chapter 10 Release of Medical Records – updates

Part 2640: Chapter 1 Rules Pertaining to Prescribing, Administering and Dispensing of Medication – Medical Marijuana pending legislature

Occupational Licensing Review Commission (OLRC) Recommendations:

Part 2615 Chapter 1: The Practice of Physician Assistants, Rule 1.2 C. Supervising Physician

Part 2615 Chapter 1: The Practice of Physician Assistants, Rule 1.7 Supervising Physician Limited.

Part 2630 Chapter 1: Collaboration with Nurse Practitioners Rule 1.2 Definitions A. Physician.

A motion was made by Dr. Joiner, seconded by Dr. Owens, and carried to accept the recommendations of the Occupational Licensing Review Commission.

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

Dr. Edney advised there was no new information to report

APPROVAL OF INVESTIGATIVE SUBPOENA 2021-142 PURSUANT TO MISS. CODE §73-25-27

A motion was made by Dr. Owens, seconded by Dr. Miles and carried that the Board enter executive session for the purpose of discussing whether to issue a subpoena regarding an investigation of alleged misconduct and violations of the statutes and regulations governing the practice of medicine in case number 2021-142.

Upon a motion by Dr. Miles seconded by Dr. Gersh and carried unanimously, the Board came out of executive session. It was reported that the Board unanimously authorized the issuance of an investigative subpoena in case number 2021-142. Pursuant Miss. Code §73-25-27, the Executive Director of the Board is hereby authorized to issue the aforementioned investigative subpoena and this authorization shall be deemed an order entered on the minutes of the Board.

**JENNIFER GRIFFIN, M.D., MOBILE AL, MISSISSIPPI MEDICAL LICENSE 21889
PETITION TO LIFT RESTRICTIONS**

Mr. Ingram provided the Board with a brief summary of this matter and advised that Dr. Griffin who was not present is petitioning the Board to request the lifting of her Consent Order. Dr. Cleveland confirmed Dr. Griffin's cooperation and compliance with all of the Consent Order terms and conditions and recommended lifting of the restrictions.

After discussion, a motion was made by Dr. Joiner, seconded by Dr. Kinard and carried to grant the request of Dr. Griffin.

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

BAYLISSA MYLES BRIDGES, P.A.-C, PASCAGOULA, MS, LICENSE PA00032
APPROVAL OF CONSENT ORDER

Mr. Ingram briefly summarized the Consent Order executed by PA Bridges.

After discussion, a motion was made by Dr. Joiner, seconded by Dr. Miles and carried with Dr. Owens and Dr. Edney voting no to approve the Consent Order.

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

HEARING IN THE CASE OF JAMES DELGADILLO, D.O., CORINTH, MS
MISSISSIPPI MEDICAL LICENSE 25694

Mr. Ingram introduced Dr. Delgadillo. Mr. Ingram advised Dr. Delgadillo's request is to resolve this matter with a proposed Consent Order for the Board's approval. Mr. Ingram briefly summarized the facts, the Consent Order executed by Dr. Delgadillo and placed documents into the record. Elizabeth Hyde is present as Dr. Delgadillo's counsel.

Dr. Delgadillo was sworn in by the court reporter.

Dr. Delgadillo answered questions by the Board regarding his practice in Wisconsin and Mississippi.

A motion was made by Dr. Owens, seconded by Dr. Miles and carried that the Board enter into Executive Session to discuss a matter related to alleged misconduct by Dr. Delgadillo and possible entry of an appealable order.

Upon a motion by Dr. Joiner, seconded by Dr. Miles and carried, the Board came out of Executive Session at which time Dr. McClendon asked Dr. Lippincott to report on the Board's decision. Dr. Owens reported that the Board voted unanimously to accept the Consent Order.

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

THE BOARD RECESSED FOR LUNCH AT 11:35 AM, RECONVENED AT 12:35 PM

HEARING IN THE CASE OF DOMINIC TRINCA, M.D., GREENVILLE, MS
MISSISSIPPI MEDICAL LICENSE 14017

Mr. Ingram briefly summarized this matter after introducing Dr. Trinca and counsel Mr. Philip Chapman regarding Dr. Trinca's petition for reinstatement of a suspended license. Dr. Trinca appeared before the Board at the last meeting on July 29, 2020, in

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response to his request for removal of restrictions and reinstatement of his license to practice. The Board denied his request.

Mr. Chapman addressed the Board and reported that Dr. Trinca has completed treatment with a report that he was fit to return to a supervised and monitored practice of medicine. Dr. Trinca has completed CPEP education plan and documentation of completion of self-study as recommended by CPEP. Mr. Chapman placed documents into the record.

Mr. Ingram placed documents into the record.

Dr. Trinca is sworn in by the court reporter.

Dr. Trinca was questioned and answered questions from the Board and briefly summarized his plans for a general medicine practice.

Dr. Hambleton, Medical Director of Mississippi Physician Health Program was sworn in by the court reporter. Dr. Hambleton answered questions from the Board and gave recommendations regarding Dr. Trinca's re-entry into the practice of medicine and monitoring.

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. Miles, seconded by Dr. Owens, and carried that the Board enter into executive session for the purpose of considering an application for licensure which could lead to litigation or an entry of an appealable order.

Upon a motion by Dr. Joiner, seconded by Dr. Edney and carried, the Board came out of Executive Session at which time Dr. McClendon asked Dr. Lippincott to report on its decision. Dr. Lippincott advised it is the decision of the Board to grant Dr. Trinca a restricted license under the following conditions, (1) Licensee is subject to direct preceptor (100%) observation for at least six months at which time he may return to the Board and request changes and privileges, (2) he is to return to Acumen for follow up in one year, (3) continue lifetime monitoring with the Mississippi Physician Health Program, (4) he will have a chaperone present with all female patients, and (5) fulfill other CPEP and Acumen recommendations.

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, Inc.

**HEARING IN THE CASE OF MATTHEW JONES, M.D., LAUREL, MS
MISSISSIPPI MEDICAL LICENSE 17025**

Mr. Ingram introduced Dr. Jones and advised Dr. Jones was summoned to appear for a hearing on this date in response to an affidavit setting forth six counts of violations of the Mississippi Medical Practice Act. Mr. Ingram briefly summarized the facts and advised that Dr. Jones has requested to resolve this matter with a proposed Consent Order for the Board's approval. Phillip Chapman is present as Dr. Jones' counsel.

Dr. Jones is sworn in by the court reporter.

Dr. Jones was questioned and answered questions from the Board

Following questions, a motion was made by Dr. Miles, 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. Miles, seconded by Dr. Owens, and carried that the Board enter into executive session for the purpose of considering an application for licensure which could lead to litigation or an entry of an appealable order.

Upon a motion by Dr. Owens, seconded by Dr. Joiner and carried, the Board came out of Executive Session at which time Dr. McClendon asked Dr. Lippincott to report on its decision. Dr. Lippincott advised it is the majority decision of the Board with Dr. Gersh voting no to amend the Consent Order to include a six month suspension without a stay, an additional six months of prohibition of prescribing of Schedule II and IIN controlled substances upon return to practice and an evaluation by the Professionals Health Program in addition to the Board recommended CME.

Licensee and his counsel paused for a short recess to discuss the Board's amended Consent Order. Upon return Mr. Chapman advised that Dr. Jones accepts the Board's decision in amending the Consent Order.

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, Inc.

**SHOW CAUSE HEARING IN THE CASE OF TIMOTHY D. JACKSON, M.D.
APPLICANT**

Mr. Ingram briefly summarized the facts regarding a Federal Conviction of Tax Evasion and fraud and his application for reinstatement for a medical license.

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Mr. Ingram advised that a request was received from Dr. Jackson for a continuance who is represented by Mr. Bill Whitfield.

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

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

FOR INFORMATIONAL PURPOSES:

Benjamin F. Sanford, M.D., Starkville, MS
Surrender of Medical License dated May 19, 2021.

JULY BOARD MEETING DATES

Wednesday, July 21 and Thursday, July 22, 2021

ADJOURNMENT

There being no further business, the meeting is adjourned at 3:11 p.m.


William David McClendon, Jr., M.D.
President

Minutes taken and transcribed.
By Frances Carrillo
Staff Officer
May 20, 2021



RESOLUTION

Whereas, it is necessary for the Occupational Licensing Review Commission to issue a resolution regarding the approval or denial of specific rules submitted for its review: NOW, THEREFORE, LET IT BE RESOLVED BY THE OCCUPATIONAL LICENSING REVIEW COMMISSION, that the following rules shall be known to have been approved by the Commission at a duly called meeting of its members on June 7, 2021, and may now be filed as final with the Secretary of State's Office for inclusion in the Mississippi Administrative Code:

- Rules of the Board of Medical Licensure – Part 2605 Chapter 3: Temporary Licensure, Rule 3.1 Temporary Licensure; Amendment of existing rules regarding temporary licensure issuance. Adding the ability for the Board to approve certain practice sites affiliated with ACGME, AOA or APMA approved postgraduate programs, but which are not specifically approved by those entities.
- Rules of the Board of Medical Licensure – Part 2615 Chapter 1: The Practice of Physician Assistants, Rule 1.2 Definitions; Amending rules regarding Physician Assistant practice to match changes being made in Nurse Practitioner collaboration regulations. Rule 1.2 is being amended to broaden the scope of a requirement. *Approved as amended to add this sentence to the end of the definition for 'Supervising Physician': "Exceptions to the in-state practice requirement may be granted by the Board, by and through the Executive Committee, in cases demonstrating good cause. Additionally, temporary permission may be granted by the Executive Director until the request can be heard before the Executive Committee."*
- Rules of the Board of Medical Licensure – Part 2615 Chapter 1: The Practice of Physician Assistants, Rule 1.7 Supervising Physician Limited; Amending rules regarding Physician Assistant practice to match changes being made in Nurse Practitioner collaboration regulations; Rule 1.7 is being amended to clarify a requirement. *Approved as amended to strike the first sentence of the rule.*
- Rules of the Board of Medical Licensure – Part 2630 Chapter 1: Collaboration with Nurse Practitioners, Rule 1.2 Definitions; Restructuring of the current regulations regarding Collaboration. Rule 1.2 is being amended to reflect current and new terminology within certain sections of the rules.
- Rules of the Board of Medical Licensure – Part 2630 Chapter 1: Collaboration with Nurse Practitioners, Rule 1.3 Duty to Report Collaborative Relationships; Restructuring of the current regulations regarding Collaboration. Rule 1.3 is being amended to remove antiquated language, move language to another portion of the rule, and set forth the expectation to report relationships to the Board.

- Rules of the Board of Medical Licensure – Part 2630 Chapter 1: Collaboration with Nurse Practitioners, Rule 1.4 Extended Mileage Collaboration and Board Review; Restructuring of the current regulations regarding Collaboration. Rule 1.4 has been amended and moved to proposed Rule 1.6, inserting the updated Rule 1.4 as attached. The Board is restructuring collaboration rules to read more clearly and to incorporate terminology related to the new online licensure system.
- Rules of the Board of Medical Licensure – Part 2630 Chapter 1: Collaboration with Nurse Practitioners, Rule 1.5 Primary Care Extended Mileage; Restructuring of the current regulations regarding Collaboration. Rule 1.5 is being amended to clarify a requirement.
- Rules of the Board of Medical Licensure – Part 2630 Chapter 1: Collaboration with Nurse Practitioners, Rule 1.6 Backup and Emergency Coverage; Restructuring of the current regulations regarding Collaboration. The previous Rule 1.4 is being amended and moved to Rule 1.6 with current Rule 1.6 being moved to new Rule 1.9.
- Rules of the Board of Medical Licensure – Part 2630 Chapter 1: Collaboration with Nurse Practitioner, Rule 1.7 Billing for Collaborative Oversight; Restructuring of the current regulations regarding Collaboration. Rule 1.7 is being amended to address billing by licensees for collaborative oversight.
- Rules of the Board of Medical Licensure – Part 2630 Chapter 1: Collaboration with Nurse Practitioners, Rule 1.8 Quality Improvement; Restructuring of the current regulations regarding Collaboration. Rule 1.8 is being created from portions of the amended Rule 1.3 to address oversight.
- Rules of the Board of Medical Licensure – Part 2630 Chapter 1: Collaboration with Nurse Practitioners, Rule 1.9 Violation of Rules; Restructuring of the current regulations regarding Collaboration. Rule 1.9 is being created to establish the statutory section related to violations of the rules.
- Rules of the Board of Medical Licensure – Part 2630 Chapter 1: Collaboration with Nurse Practitioners, Rule 1.10 Federal Facilities; Restructuring of the current regulations regarding Collaboration. Rule 1.10 is being created to acknowledge collaborative relationship differences in federal facilities.
- Rules of the Board of Pharmacy – Title 30, Part 3001 Article II Pharmacy Board Examination; This amendment repeals Article II. It has been incorporated into Article I.
- Rules of the Board of Pharmacy – Title 30, Part 3001 Article III Pharmacy Extern/Intern Registration and Practical Experience Requirement; This amendment incorporates Article XXXIV concerning extern/intern registration into this Article III which addresses the practical experience requirement. It also clarifies that an extern/intern that surrenders his/her registration must petition the Board for reinstatement.
- Rules of the Board of Pharmacy – Title 30 Part 3001 Article XXXI Compounding Guidelines; This amendment clarifies that a compounding certificate will become inactive if a pharmacy fails to compound any prescription in a calendar year.
- Rules of the Board of Pharmacy – Title 30 Part 3001 Article XXXIV Pharmacy Extern/Intern Registration; This amendment repeals Article XXXIV. It has been incorporated into Article III.

- Rules of the Board of Pharmacy – Title 30 Part 3001 Article XXXVI Pharmaceutical Health Care Initiative and/or Modification of Drug Therapy Under Protocol; This amendment streamlines the regulation and removes unneeded burdensome requirements. *Approved as amended to revise the first sentence of the second paragraph to read, “For the purposes of the Article, “protocol” shall mean a written agreement...”*
- Rules of the Board of Pharmacy – Title 30 Part 3002 Chapter 3 Rule 3.6 Hearing Procedures; This amendment streamlines the regulation and removed unneeded burdensome requirements. *Approved as amended to revise the last sentence of paragraph E to read, “The hearing officer’s rulings on matters of law and procedure are advisory.”*
- Rules of the Board of Pharmacy – Title 30 Part 3002 Chapter 3 Rule 3.9 Settlement Negotiations and Agreed Orders; This amendment changes terminology and conforms the regulation to current agency practices.
- Rules of the Board of Pharmacy – Title 30 Part 3002 Chapter 8: Background Checks; This is a new administrative rule to comply with the Fresh Start Act of 2019.

Part 2635: Chapter 15: Medical Examiners

Rule 15.1 | Scope and Purpose

The purpose of this regulation is to set forth certain exemptions, stipulations, and expectations as to the practice of medicine within Mississippi by physicians who serve as the State Medical Examiner or a Deputy Medical Examiner. Further, it is the intent of this regulation to set forth the requirements of those physicians to practice medicine in Mississippi, temporarily, without obtaining an unrestricted Mississippi medical license. The Board defers to state statute on any duties or requirements not specifically mentioned within this regulation.

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

Rule 15.2 | Definitions

For the purpose of Part 2635, Chapter 15 only, the following terms have the meanings indicated:

- A. “Medical Examiner” means the person appointed by the Commissioner of Public Safety pursuant to Miss. Code Ann., §41-61-55 to investigate and certify deaths that affect the public interest.
- B. “Deputy Medical Examiner” means those professional individuals employed by The Department of Public Safety who serve under the direction of the Medical Examiner, and who perform autopsies and post-mortem examinations to determine cause of death via medical processes, such as pathology, and who may testify as an expert regarding their findings.

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

Rule 15.3 | Temporary Practice

Recognizing the unique challenges in hiring and retaining Deputy Medical Examiners, along with the need to expeditiously conduct autopsies in order to avoid evidentiary spoilage, applicants for licensure to serve in the role of Deputy Medical Examiner may practice within Mississippi temporarily, without an unrestricted medical license, while going through the licensure process. Said physicians must first submit their application, thereby starting the licensure process, and must verify they are licensed in good standing in another state or acceptable jurisdiction. This temporary practice period shall not exceed six (6) months from the date the application is received.

Further, contract physicians who are hired on a temporary basis by The Department of Public Safety may also practice without a license, after verifying their unrestricted licensure as described above, for a period of up to one (1) month. Thereafter, said physicians must apply for a full license in Mississippi.

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

Rule 15.4 | Violation of Rules

The practice of medicine outside of the requirements and regulations stated herein constitutes the illegal practice of medicine, in violation of Miss. Code Ann., §97-23-43, and violators shall be subject to all fines and penalties described therein.

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

By: Senator(s) Michel

To: Insurance

SENATE BILL NO. 2631
(As Passed the Senate)

1 AN ACT TO AMEND SECTION 83-9-351, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE DEFINITION OF THE TERM "TELEMEDICINE" AS USED IN THE
3 STATUTE REQUIRING HEALTH INSURANCE PLANS TO PROVIDE COVERAGE FOR
4 TELEMEDICINE SERVICES; TO REQUIRE HEALTH INSURANCE AND EMPLOYEE
5 BENEFIT PLANS TO REIMBURSE PROVIDERS FOR TELEMEDICINE SERVICES
6 USING THE PROPER MEDICAL CODES; TO PROVIDE THAT REIMBURSEMENT OF
7 EXPENSES FOR COVERED HEALTH CARE SERVICES PROVIDED DURING A
8 TELEMEDICINE ENCOUNTER MUST BE ESTABLISHED THROUGH NEGOTIATIONS IN
9 THE SAME MANNER AS THE HEALTH INSURANCE ENTITY ESTABLISHES
10 REIMBURSEMENT OF EXPENSES FOR COVERED HEALTH CARE SERVICES
11 DELIVERED BY IN-PERSON MEANS; AND FOR RELATED PURPOSES.

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

13 **SECTION 1.** Section 83-9-351, Mississippi Code of 1972, is
14 amended as follows:

15 83-9-351. (1) As used in this section:

16 (a) "Employee benefit plan" means any plan, fund or
17 program established or maintained by an employer or by an employee
18 organization, or both, to the extent that such plan, fund or
19 program was established or is maintained for the purpose of
20 providing for its participants or their beneficiaries, through the
21 purchase of insurance or otherwise, medical, surgical, hospital
22 care or other benefits.



23 (b) "Health insurance plan" means any health insurance
24 policy or health benefit plan offered by a health insurer, and
25 includes the State and School Employees Health Insurance Plan and
26 any other public health care assistance program offered or
27 administered by the state or any political subdivision or
28 instrumentality of the state. The term does not include policies
29 or plans providing coverage for specified disease or other limited
30 benefit coverage.

31 (c) "Health insurer" means any health insurance
32 company, nonprofit hospital and medical service corporation,
33 health maintenance organization, preferred provider organization,
34 managed care organization, pharmacy benefit manager, and, to the
35 extent permitted under federal law, any administrator of an
36 insured, self-insured or publicly funded health care benefit plan
37 offered by public and private entities, and other parties that are
38 by statute, contract, or agreement, legally responsible for
39 payment of a claim for a health care item or service.

40 (d) "Telemedicine" means the delivery of health care
41 services such as diagnosis, consultation, or treatment through the
42 use of * * * HIPAA-compliant telecommunications systems, including
43 information, electronic, and communication technologies, remote
44 monitoring technologies and store-and-forward transfers.
45 Nonstore-and-forward and nonremote patient monitoring telemedicine
46 must be "real-time" audiovisual, except that audio-only
47 interactions are allowed when (i) audio-video interactions are



48 technologically unavailable, and (ii) audio-only interactions are
49 considered medically appropriate for the corresponding health care
50 services being delivered. An audio-only interaction is also
51 allowed when conducted in conjunction with a store-and-forward
52 transfer when the store-and-forward transfer is directly related
53 to the patient condition presented.

54 (2) All health insurance and employee benefit plans in this
55 state must provide coverage for telemedicine services to the same
56 extent that the services would be covered if they were provided
57 through in-person consultation.

58 (3) A health insurance or employee benefit plan may charge a
59 deductible, co-payment, or coinsurance for a health care service
60 provided through telemedicine so long as it does not exceed the
61 deductible, co-payment, or coinsurance applicable to an in-person
62 consultation.

63 * * *

64 (* * *4) Nothing in this section shall be construed to
65 prohibit a health insurance or employee benefit plan from
66 providing coverage for only those services that are medically
67 necessary, subject to the terms and conditions of the covered
68 person's policy.

69 (* * *5) In a claim for the services provided, the
70 appropriate procedure code for the covered services shall be
71 included with the appropriate modifier indicating interactive
72 communication was used. Health insurance and employee benefit



73 plans shall reimburse providers for telemedicine services using
74 the proper medical codes. Reimbursement of expenses for covered
75 health care services provided during a telemedicine encounter must
76 be established through negotiations conducted by the health
77 insurance entity with the provider in the same manner as the
78 health insurance entity establishes reimbursement of expenses for
79 covered health care services that are delivered by in-person
80 means.

81 (* * *6) The originating site is eligible to receive a
82 facility fee, but facility fees are not payable to the distant
83 site. Health insurance and employee benefit plans shall not limit
84 coverage to provider-to-provider consultations only. Patients in
85 a patient-to-provider consultation shall not be entitled to
86 receive a facility fee.

87 **SECTION 2.** This act shall take effect and be in force from
88 and after July 1, 2021.



Part 2635 Chapter 5: Practice of Telemedicine

Rule 5.1 | Definitions

For the purpose of Part 2635, Chapter 5 only, the following terms have the meanings indicated:

- I. **“Physician”** means any person who holds an unrestricted license to practice allopathic or osteopathic medicine in the state of Mississippi.
- J. **“Telemedicine”** is the practice of medicine by a licensed health care provider using HIPAA-compliant telecommunication systems, including information, electronic, and communication technologies, remote monitoring technologies and store-and-forward transfer technology. interactive audio, video, store and forward, or other telecommunications or electronic technology by a licensed health care provider to deliver a health care service within the scope of practice of the health care provider at a site other than the site at which the patient is located, and which is These technologies may be used to facilitate, but are not limited to, provider to patient or provider to provider interactions. The technology must be capable of replicating the interaction of a traditional in-person encounter between a provider and a patient. This definition does not include the practice of medicine through postal or courier services.
- K. **“Emergency Telemedicine”** is a unique combination of telemedicine used in a consultative interaction between a physician board certified, or board eligible, in emergency medicine, and an appropriate skilled health professional (nurse practitioner or physician assistant).
- L. **“Primary Center”** is any facility providing telemedicine services to Satellite Centers, as defined in definition ‘E’.
- M. **“Remote Monitoring”** is defined as the use of technology to remotely track health care data for a patient released to his or her home or a care facility, usually for the intended purpose of reducing readmission rates.
- N. **“Real-Time Telemedicine”** is defined as real-time communication using interactive audio and visual equipment, such as a video conference with a specialist, also known as ‘synchronous communication.’
- O. **“Satellite Center”** is any facility receiving telemedicine services from a Primary Center, as defined in definition ‘D’.
- P. **“Store-and-Forward Transfer Technology”** is defined as technology which facilitates the gathering of data from the patient, via secure email or messaging service, which is then used for formulation of a diagnosis and treatment plan, also known as ‘asynchronous communication.’

Source: Miss. Code Ann. §73-25-34 (1972, as amended).

Rule 5.2 | Licensure

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. The interpretation of clinical laboratory studies as well as pathology and histopathology studies performed by physicians without Mississippi licensure is not the practice of telemedicine provided a Mississippi licensed physician is responsible for accepting, rejecting, or modifying the interpretation. The Mississippi licensed physician must maintain exclusive control over any subsequent therapy or additional diagnostics.

Source: Miss. Code Ann. §73-25-34 (1972, as amended).

Rule 5.3 | Informed Consent

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.

Source: Miss. Code Ann. §73-25-34 (1972, as amended).

Rule 5.4 | Physician Patient Relationship

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

- G. verify that the person requesting the medical treatment is in fact who they claim to be;
- H. conducting an appropriate history and physical examination of the patient that meets the applicable standard of care;
- I. 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;
- J. discussing with the patient the diagnosis, risks and benefits of various treatment options to obtain informed consent;
- K. insuring the availability of appropriate follow-up care; and
- L. maintaining a complete medical record available to patient and other treating health care providers.

Source: Miss. Code Ann. §73-25-34 (1972, as amended).

Rule 5.5 | Examination

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.

Non-store-and-forward and non-remote patient monitoring telemedicine must be real-time audiovisual, except that audio-only interactions are allowed when (i) audio-video interactions are

technologically unavailable, and (ii) audio-only interactions are considered medically appropriate for the corresponding health care services being delivered. An audio-only interaction is also allowed when conducted in conjunction with a store-and-forward transfer when the store-and-forward transfer is directly related to the patient condition presented.

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.

Source: Miss. Code Ann. §73-25-34 (1972, as amended).

Rule 5.6 | Medical Records

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.

Source: Miss. Code Ann. §73-25-34 (1972, as amended).

Rule 5.7 | Consultative Physician Limited

A duly licensed physician may remotely consult with a duly licensed and qualified Advanced Practice Registered Nurse ("APRN") or Physician's Assistant ("PA"), who is in a hospital setting, using telemedicine. The physician providing Emergency Telemedicine must be either board certified or board eligible in emergency medicine, provided that the Board may waive this requirement under extra ordinary circumstances.

For the purposes of Emergency Telemedicine services, licensees will only be authorized to provide the aforementioned services to those emergency departments of licensed hospitals who have an average daily census of fifty (50) or fewer acute care/medical surgical occupied beds as defined by their Medicare Cost Report. Exceptions may be considered by the Board for physicians affiliated with facilities maintaining greater than fifty (50) beds, but not more than one-hundred (100) beds.

Satellite Centers who receive telemedicine services/assistance from a Primary Center must have a transfer agreement with a facility that offers a higher level of care, in order to send any patients who require transfer for a higher level of care.

Source: Miss. Code Ann., §73-25-34 (1972)

Rule 5.8 | Reporting Requirements

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.

Rule 5.9 | Automated Dispensaries

Recognizing the emergence of sophisticated technology which allows certain levels of automation to the usual and customary process of seeing a provider, to include obtaining a prescription and then filling that prescription at a pharmacy, automated dispensary systems which provide the patient's medications pursuant to a valid telemedicine visit with a licensee of the Board will not be considered in violation of Part 2640, Rule 1.9 *Requirements for Dispensing Physicians*. Any physician utilizing the automated dispensary will be responsible for the proper maintenance and inventory/accountability requirements as if the physician were personally dispensing the medications to the patient from his or her stock in their personal practice, as required in Rule 1.9 of Part 2640. An automated dispensary may not dispense controlled substances, and refills of medications may not be issued without a follow-up visit with the physician.

Of paramount importance to any automated dispensary process is the continued emphasis on a patient's freedom of choice, as it pertains to selecting a pharmacy to fill any prescriptions authorized. The failure of any system utilizing an automated dispensary to appropriately advise the patient of his or her right to choose where their medications are filled will constitute a violation of Part 2640, Rule 1.12 *Freedom of Choice*.

Any telemedicine service devices or systems which contain automated dispensaries, containing medications ordered and maintained by physician licensees, shall be subject to the oversight of the Board and the Mississippi Board of Pharmacy, as stated in Part 2640, Rule 1.9, and may not operate in this state until approved by both Boards.

Source: Miss. Code Ann. §73-25-34 (1972, as amended).

Resolution of Appreciation

WHEREAS, Jeanne Ann Rea, M.D., faithfully and conscientiously served the Mississippi State Board of Medical Licensure as a member for seven years; and

WHEREAS, Dr. Rea served as President, Vice President and Secretary of the Mississippi State Board of Medical Licensure throughout her time with the Board; and

WHEREAS, Dr. Rea discharged her duties with firmness, dignity and compassion, always striving to implement both the spirit and letter of the Mississippi Medical Practice Act, thereby working for the greater benefit of the Board and citizens of the State of Mississippi; and

WHEREAS, during her years of service Dr. Rea continually and graciously gave her efforts, time and abilities toward maintaining the highest standard of medical practice for which the State of Mississippi is noted always respecting the rights of licensees, patients and others, while performing her duties;

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. Rea its gratitude and appreciation for her services during the years she 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. Rea expressing to her the highest esteem of the Board.

DATED, this the **Twentieth** day of **May**, 2021.

David Mc Clendon, MD

William D. McClendon, Jr., M.D.
President

Michelle Y Owens, MD

Michelle Y. Owens, M.D.
Vice President

Charles D. Miles, MD

Charles D. Miles, M.D.
Board Member

C. Ken Lippincott, MD

C. Ken Lippincott, M.D.
Board Member

Kirk L. Kinard, D.O.

Kirk L. Kinard, D.O.
Board Member

Allen Gersh, MD

Allen Gersh, M.D.
Board Member

Daniel Edney, MD

Daniel Edney, M.D.
Board Member

Thomas Joiner, MD

Thomas Joiner, M.D.
Board Member

Roderick Givens, MD

Roderick Givens, M.D.
Board Member

Wesley Breland

Wesley Breland
Consumer Member

Erik Hearon

Maj Gen Erik Hearon
Consumer Member

Shoba Gaymes
Consumer Member

Shoba Gaymes



Ken Cleveland

Attest: Kenneth Cleveland, M.D.
Executive Director

Mike Lucius

Mike Lucius
Deputy Director

Mississippi State Board of Medical Licensure

Oath of Office

I, Roderick Givens, 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.



Roderick Givens, M.D.
Board Member



William David McClendon, M.D.
Board President



Kenneth Cleveland, M.D.
Executive Director



Mississippi State Board of Medical Licensure

Oath of Office

I, Charles Kenneth Lippincott, 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.



Charles Kenneth Lippincott, M.D.
Board Member



William David McClendon, M.D.
Board President



Kenneth Cleveland, M.D.
Executive Director

Mississippi State Board of Medical Licensure

Oath of Office

I, Michelle Yvette Owens, 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.

Michelle Y Owens, MD

Michelle Yvette Owens, M.D.

Board Member



David M. McClendon

William David McClendon, M.D.

Board President

Ken Cleveland

Kenneth Cleveland, M.D.

Executive Director

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

IN THE MATTER OF THE LICENSE OF:

JENNIFER GRIFFIN, M.D.

ORDER REMOVING RESTRICTIONS

THIS MATTER came on regularly for hearing on May 20, 2021 before the Mississippi State Board of Medical Licensure, in response to the petition of Jennifer Griffin, M.D. (hereinafter "Licensee"), seeking removal of all restrictions on her license to the practice medicine in the State of Mississippi. By virtue of that certain Consent Order dated June 3, 2020, certain restrictions were imposed on Licensee's certificate to practice medicine in the state of Mississippi. The Board is now in receipt of proof that all requirements, including Continuing Medical Education have been satisfied. The Board, after hearing said request, finds the same to be well-taken.

IT IS HEREBY ORDERED that Licensee's request for removal of all restrictions on her license to practice medicine is hereby granted. Licensee now holds an unrestricted license to practice medicine in the State of Mississippi.

IT IS FURTHER ORDERED, that pursuant to Miss. Code Ann. Section 73-25-27, a copy of this Order shall be sent by registered mail or personally served upon Jennifer Griffin, M.D.

SO ORDERED, this the 20th day of May 2021.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**

BY: 
WILLIAM D. MCCLENDON, JR., M.D.
PRESIDENT

MSBML
APR 14 2021

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF PHYSICIAN ASSISTANT'S LICENSE

OF

BAYLISSA MYLES BRIDGES, P.A.-C.

CONSENT ORDER

WHEREAS, Baylissa Myles Bridges, P.A.-C., hereinafter referred to as "Licensee," is the current holder of License No. PA.00032, issued March 19, 2003, for the practice of medicine in the State of Mississippi;

WHEREAS, on September 24, 2020, Licensee executed a Consent Order with the Alabama Board of Medical Examiners. The Consent Order reprimanded Licensee, fined her one thousand (\$1,000) dollars, and, required she obtain fifty (50) credits of AMA PRA Category 1 or equivalent continuing medical education by December 31, 2021, with the verifying documentation to be submitted to said Board demonstrating compliance with said Order;

WHEREAS, pursuant to Subsection (8)(d) of §73-25-29, Mississippi Code (1972), Ann., the documented events resulting in the aforementioned disciplinary action by the Alabama Board of Medical Examiners constitutes unprofessional conduct, by being guilty of any dishonorable or unethical conduct likely to deceive, defraud or harm the public, grounds for which the Mississippi State Board of Medical Licensure may revoke the Mississippi physician assistant license of Licensee, suspend her right to practice for a time deemed proper by the Board, place her license on probation, the terms of which may be set by the Board, or take any other action in relation to her license as the Board may deem proper under the circumstances;

WHEREAS, Licensee wishes to avoid a hearing before the Mississippi State Board of Medical Licensure and, in lieu thereof, has consented to the following conditions on her 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 her joinder herein, does hereby **Reprimand** Licensee's license number PA.00032, with her continued practice subject to the following terms and conditions:

1. Licensee agrees to obtain fifty (50) hours of AMA PRA Category 1 continuing medical education, or equivalent, by December 31, 2021, pursuant the terms and conditions of the Alabama Consent Order, as accepted by that Board on September 24, 2020;
2. Licensee shall submit documentary evidence of the courses and credits attained prior to January 1, 2022, to this Board, by January 14, 2022;
3. Licensee shall obey all federal, state and local laws, and all rules and regulations governing the practice of medicine;
4. Licensee shall reimburse the Board of 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 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 said notice is mailed to 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

APR 14 2021


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.

Recognizing her right to notice of charges specified against her, to have such charges adjudicated pursuant to Miss. Code Ann., §73-25-27, to be represented therein by legal counsel of her choice, and to a final decision rendered upon written findings of fact and conclusions of law, Baylissa Myles Bridges, P.A.-C., 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.

EXECUTED, this the 9th day of April, 2021.


Baylissa Myles Bridges, P.A.-C.

ACCEPTED AND APPROVED this the 20th day of May, 2021, by the Mississippi State Board of Medical Licensure.


William D. McClendon, M.D.
Board President

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

JAMES LAWRENCE DELGADILLO, D.O.

CONSENT ORDER

WHEREAS, JAMES LAWRENCE DELGADILLO, D.O., hereinafter referred to as "Licensee," is the current holder of Mississippi Medical License No. 25694, said license number expires on June 30, 2021;

WHEREAS, on September 4, 2020, Licensee signed a Stipulation Order before the Medical Examining Board of the State of Wisconsin, and, pursuant to said Order, Licensee will be required to undergo certain reporting requirements, in the event he returns to practice in the State of Wisconsin;

WHEREAS, based on the foregoing, the Investigative Division of the Mississippi State Board of Medical Licensure, hereinafter referred to as the "Board," has conducted an investigation into the medical practice of Licensee and has in its possession evidence which, 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(s) (7), (8)(d), (8)(f), (9) and (10) 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 restrict Licensee's certificate to practice medicine in the state of Mississippi, subject to the following terms and conditions:

1. Licensee shall provide the Board a written explanation as to why he failed to correctly answer the affidavit questions related to his original application for permanent licensure and his subsequent renewal application. Said documentation shall provide a detailed timeline of events and is due within ten (10) business days of the below execution date.
2. Licensee shall obtain his Prescriber Activity Report via the Mississippi Prescription Monitoring Program each quarter. Licensee shall analyze said report and provide the Board's Compliance Director the analysis in a written statement. Licensee shall provide said statement no later than fifteen (15) business days after the conclusion of each quarter. The first quarter due shall include April, May, and June 2021.
3. Licensee's practice of medicine shall be subject to periodic surveillance by the Mississippi State Board of Medical Licensure to monitor compliance with this Consent Order. The Board's Executive Director, any member of the Board or Investigative staff may perform at any time, unannounced, a patient chart review of a representative sample of those patients treated by Licensee.
4. Licensee expressly agrees he will not seek an appearance before the Board for removal of part or all of the aforementioned restrictions prior to the completion of eight (8) quarterly reviews after the date of this order. There shall be no right to petition for reconsideration until after Licensee has the restrictions from Wisconsin's aforementioned Stipulation Order lifted, or upon the completion of eight (8) quarterly reviews, whichever comes first.

5. 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, **JAMES LAWERENCE DELGADILLO, D.O.**, 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 restriction on his medical license, subject to those terms and conditions listed above.

{Signature page follows}

EXECUTED AND EFFECTIVE, this 12th day of May, 2021.


JAMES LAWRENCE DELGADILLO, D.O.

ACCEPTED AND APPROVED, this the 20th day of May, 2021, by the Mississippi State
Board of Medical Licensure.


WILLIAM D. McCLENDON, M.D.
Board President

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

IN THE MATTER OF THE LICENSE OF:

DOMINIC TRINCA, M.D.

ORDER GRANTING REINSTATEMENT OF LICENSE

THIS MATTER came on regularly for hearing on May 20, 2021, before the Mississippi State Board of Medical Licensure (hereinafter “Board”), pursuant to Title 73, Chapter 25 of Mississippi Code (1972) Annotated. Dominic Trinca, M.D. (“Licensee”) is seeking reinstatement of licensure pursuant to Miss. Code Ann. Section 73-25-32. Licensee’s history with the Board is substantial, containing multiple instances of non-compliance with Board orders and contracts with the Mississippi Professional Health Program (MPHP). The last formal action of the Board occurred on July 30, 2020, wherein the Board denied Licensee’s request for reinstatement due to the fact that the evaluation report from the Center for Personalized Education for Professionals (CPEP) showed multiple deficiencies in competency needed for reinstatement, including but not limited to, gaps in medical knowledge and clinical judgment and reasoning. While denying the petition, the Board advised Licensee that upon presentation of an acceptable education plan

prepared and supported by CPEP, the Board will then consider granting a restricted license so as to permit Licensee to practice in a structured supervised setting by completing the education requirements recommended by CPEP. Licensee is now submitting such a request.

Licensee was present and represented by Honorable Philip Chapman. Complaint Counsel for the Board was Honorable Stan T. Ingram. Sitting as legal advisor and hearing officer to the Board was Honorable Alexis E. Morris, Special Assistant Attorney General. Board members present for the proceedings were David McClendon, M.D, President; Michele Owens, M.D.; Ken Lippincott, M.D.; Daniel Edney, M.D.; Charles D. Miles, M.D.; Kirk Kinard, D.O.; Thomas Joiner, M.D.; Allen Gersh, M.D. and Roderick Givens, M.D. Consumer members present were Koomarie “Shoba” Gaymes; Major Gen. (Ret.) Erik Hearon and Wesley Breland.

During the hearing, Licensee introduced a number of exhibits including a July 24, 2020, Longitudinal Treatment Program Discharge Report Phase III from Acumen Institute, Lawrence Kansas; CPEP Education Plan for Licensee with April 23, 2020 correspondence addressing the Preceptor Approval Process; and the CPEP Education Plan Progress Report I covering dates September, 2020 through December 2020. Pursuant to the CPEP Plan, Licensee must secure a medical license in order to participate in the Preceptorship Process. This calls for an initial period of time in which Licensee is under “Direct Observation”, that is, the Preceptor is physically present during any medical procedure or patient encounter. Stated differently, during the Direct Observation Phase, the participant or Licensee shall receive 100%

observation. In addition, at any time Licensee has an encounter with a female patient a chaperone will be present.

Much discussion was had regarding the period of time wherein Licensee is subject to Preceptor Direct (100%) Observation. All parties recognized that the CPEP plan did not specify an exact period of time and left this to the judgment of the Preceptor. Based on Licensee's history, however, the Board believes Licensee should be under Direct (100%) Observation for at least six (6) months. Upon expiration of six (6) months, licensee shall return to the Board to consider his progress and progress reports from CPEP. Accordingly, in order to achieve this pivotal step in the reinstatement process, the Board will permit reinstatement on a restricted basis.

NOW THEREFORE, IT IS ORDERED, that the request of Dominic Trinca, M.D. for reinstatement of licensure is hereby granted. However, said medical license shall be restricted. For an initial period of six (6) months from the date of this Order (November 20, 2021), Licensee shall be under "Direct Observation" of a preceptor. At all times during the six (6) months, the Preceptor shall personally observe all of Licensee's medical procedures or patient encounters.

IT IS FURTHER ORDERED, that in the event the current preceptor hereafter declines to serve or for any reason cannot continue to serve in that capacity, it is the sole responsibility of Licensee to advise the Board and secure another preceptor with written consent in advance from CPEP and the Board's executive director.

IT IS FURTHER ORDERED, Licensee shall appear before the Board at its November 2021 regular meeting to address the status of the CPEP preceptorship program, compliance with this Order and MPHP and to determine what if any restrictions shall be continued.

IT IS FURTHER ORDERED, that notwithstanding the six (6) month period of time enumerated above, Licensee shall always have a chaperone present during any encounter with a female patient and shall not perform pelvic or breast exams on female patients.

IT IS FURTHER ORDERED that pursuant to Section 73-25-27, a copy of this Order shall be sent by registered mail or personally served upon Dominic Trinca, M.D.

SO ORDERED, this the 20th day of May 2021.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**

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

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

MATTHEW BRIAN JONES, M.D.

CONSENT ORDER

WHEREAS, MATTHEW BRIAN JONES, M.D., hereinafter referred to as "Licensee," is the current holder of Mississippi Medical License No. 17025, 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 substantiate that Licensee has utilized pre-signed prescriptions, and has issued self-prescribed controlled substance prescriptions, both personally and by and through his collaborative Advanced Practice Registered Nurse (i.e., Nurse Practitioner), without the benefit of a medical record justifying their issuance, all constituting violations of the Mississippi Medical Practice Law, specifically, Subsections (3) and (8)(d) of §73-25-29 and §73-25-83(a), Miss. Code Ann., as amended, including but not limited to provisions of the Board's Administrative Code pertaining to the administering, prescribing and dispensing of controlled substances; 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 certificate to practice medicine in the state of Mississippi, subject to the following terms and conditions:

1. Licensee's certificate (No. 17025) is hereby suspended for a period of six (6) months effective May 20, 2021. Upon expiration of the aforementioned six (6) months (November 20, 2021), and provided Licensee is in full compliance with this Order, Licensee's certificate to practice medicine in the state of Mississippi shall be automatically reinstated and Licensee authorized to return to practice without any other further action or appearance before the Board.
2. Upon return to practice as provided in paragraph 1 above, Licensee shall be thereafter prohibited from prescribing Schedule II and IIN medications for an additional period of six (6) months.
3. 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, and shall make arrangements to submit to evaluation for potential mental, emotional or physical impairment at a facility approved in advance and in writing by MPHP and the Board. By executing this Consent Order, Licensee authorizes the Board and MPHP to fully disclose and share with such facility any and all information regarding Licensee which the MPHP may, in its discretion, deem necessary to evaluate and/or advise Licensee. Upon conclusion of the evaluation, a report shall be sent to the MPHP, with a copy to the Board's Executive Director, setting forth the findings and recommendations. In the event it is the recommendation of the evaluating facility

that Licensee needs treatment, Licensee shall comply with all such recommendations, including obtaining advocacy from MPHP.

4. Licensee shall, within six (6) months of the acceptance and approval of this Order, successfully complete Board approved Continuing Medical Education (CME) in the areas of (i) Medical Ethics, (ii) Practice Boundaries, (iii) Prescribing of Controlled Substances, and (iv) Medical Record Keeping, said courses to be selected from the list of Board approved courses attached hereto as Exhibit "A". Licensee shall provide proof of attendance and participation in each aspect of the courses required herein to the Board's Clinical Director of Physician Compliance. Any credit received for such CME shall be in addition to the usual forty (40) hours of Category I credits required by Board regulation.
5. Licensee is hereby prohibited from supervising any Physician Assistants (PAs) and/or collaborating with any Advanced Practice Registered Nurses (APRNs) for the duration of this Order.
6. Licensee shall obey all federal, state and local laws, and all rules and regulations governing the practice of medicine. Any further acts of misconduct will result in further action.
7. Licensee expressly agrees he will not seek an appearance before the Board prior to the completion of the terms of this Order and, further, agrees the terms and conditions of this Order, once executed, will not be reconsidered.
8. 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.

9. Upon the successful completion of the terms enumerated herein, as effected by notice sent to Licensee from the Board's Clinical Director of Physician Compliance, and upon satisfaction of the Board's Executive Director of same, Licensee shall have the right, but not the obligation, to petition the Board to request the removal of any or all of the remaining restrictions.

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, 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, **MATTHEW BRIAN JONES, 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 suspending his medical license, subject to those terms, conditions, and restrictions listed above.

EXECUTED, this the 1st, day of June, 2021.



MATTHEW BRIAN JONES, M.D.

ACCEPTED AND APPROVED, this the 20th, day of May, 2021, by the
Mississippi State Board of Medical Licensure.



WILLIAM D. MCCLENDON, M.D.
Board President

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

IN THE MATTER OF THE LICENSE OF:

TIMOTHY DALE JACKSON, 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 May 20, 2021, made by Timothy Dale Jackson, 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 July 22, 2021 at 9:00 a.m.

SO ORDERED, this the 20th day of May 2021.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**

BY: 
WILLIAM D. MCCLENDON, JR., M.D.
PRESIDENT

**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
ON THE MATTER OF THE PHYSICIAN'S LICENSE
OF
BENJAMIN FRANKLIN SANFORD, M.D.**

SURRENDER OF MEDICAL LICENSE

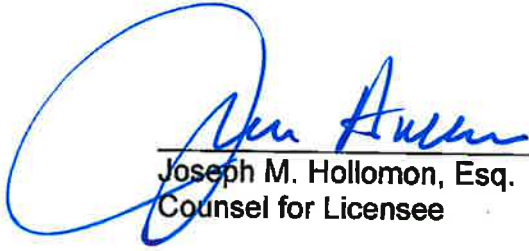
WHEREAS, BENJAMIN FRANKLIN SANFORD, M.D., hereinafter referred to as "Licensee," is the current holder of License Number 08043 issued on August 8, 1977, to practice medicine in the State of Mississippi;

WHEREAS, on October 14, 2020, Licensee entered into a guilty plea agreement issued by the United States District Court for the Northern District of Mississippi, wherein Licensee agreed to waive Indictment and plead guilty to Count One of an Information charging Licensee with the receipt in interstate commerce of misbranded drugs that Licensee delivered or proffered for delivery with the intent to defraud or mislead, all in violation of Title 21, United States Code, § 331(c) and which carries the maximum penalty of three (3) years imprisonment, a \$250,000.00 fine, one (1) year supervised release and a special assessment of \$100.00;

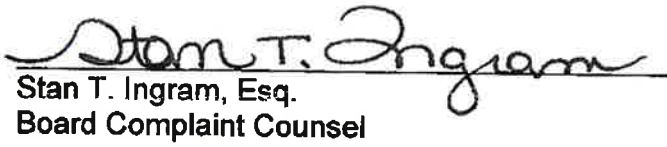
WHEREAS, the aforementioned guilty plea constitutes conviction of a felony involving moral turpitude and unprofessional conduct, including any dishonorable or unethical conduct likely to deceive, defraud, or harm the public, in violation of Miss. Code Ann., §§73-25-29 (6) and (8)(d).

NOW THEREFORE, in order to resolve this matter now pending before the Board, Licensee agrees to voluntarily surrender his License (No. 08043) to practice medicine in the State of Mississippi and understands said Surrender shall be effective

APPROVED:



Joseph M. Hollomon, Esq.
Counsel for Licensee



Stan T. Ingram, Esq.
Board Complaint Counsel