

**MINUTES
EXECUTIVE COMMITTEE MEETING
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
SEPTEMBER 21, 2022**

MEMBERS PRESENT:

David W. McClendon, Jr., M.D., Ocean Springs, President
Michelle Y. Owens, M.D., Jackson, Vice President
C. Kenneth Lippincott, M.D., Tupelo, Secretary

ALSO PRESENT:

Stan T. Ingram, Counsel for the Board
Paul Barnes, Board Attorney
Jessica Robinson, Special Assistant Attorney General
Kenneth Cleveland, Executive Director
Mike Lucius, Deputy Director
Arlene Davis, IT Director
Anna Boone, Director of Licensure Division
Kristin Wallace, Compliance Officer
Jonathan Dalton, Director of Investigations
Frances Carrillo, Staff Officer

The Executive Committee of the Mississippi State Board of Medical Licensure met on Wednesday, September 21, 2022, at 8:00 a.m. in the Board Room of the Office of the Board located at 1867 Crane Ridge Drive, Jackson, Mississippi. This meeting was broadcast via Zoom.

**PERSONAL APPEARANCE BY DARRIN MANGIACARNE, D.O.
MISSISSIPPI MEDICAL LICENSE 21086**

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

Dr. Mangiacarne summarized to the Executive Committee his request in seeking an exception to Rule 1.2.A of Part 2630, Collaboration with Nurse Practitioners, regarding the 20/80 hour in-state practice requirement. Dr. Mangiacarne will be treating VA patients for substance abuse and mental health in Biloxi, MS, virtually through Banyan Treatment Centers based in Florida. Dr. Mangiacarne is licensed in Mississippi but does not practice the minimum of twenty hours per week as required by the rule. Dr. Mangiacarne reported that this telehealth practice will be only treat VA patients associated with the Veterans Administration. Dr. Mangiacarne will treating VA patients virtually through Banyan Treatment Centers as a contractor not as an employee of the VA.

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After discussion and questions from the Executive Committee, a motion was made by Dr. Owens, seconded by Dr. Lippincott, and carried that the Executive Committee enter into executive session for discussion regarding a course of action.

Upon a motion by Dr. Lippincott, seconded by Dr. Owens and carried, the Executive Committee came out of Executive Session at which time Dr. McClendon asked Dr. Lippincott to report on the Executive Committee's decision. Dr. Lippincott reported that the request for an exception of rule 1.2.A of Part 2630, Collaboration with Nurse Practitioners will be tabled until more details are available, and an appropriate protocol has been provided.

PERSONAL APPEARANCE BY BEVERLY MCMILLAN, M.D. MISSISSIPPI MEDICAL LICENSE 07159

Dr. McMillan joined the meeting and was not represented by legal counsel. Dr. McMillan is requesting an exception to the 20/80 hour in-state physician practice requirement of the regulation, Collaboration with Nurse Practitioners, Part 2630. Rule 1.2.A.

Dr. McMillan summarized her request and reported that she is currently collaborating with a certified nurse midwife employed by the Sisters in Birth Clinic a pre-natal clinic on Briarwood Drive. Jackson, MS. The Clinic serves an underserved Medicaid population. Dr. McMillan summarized her training and background. She advised that she had retired in 2010, and has kept her medical license current and is board certified in OB/Gyn.

After discussion and questions from the Executive Committee, a motion was made by Dr. Owens, seconded by Dr. Lippincott, and carried that the Executive Committee enter into executive session for discussion regarding a course of action.

Upon a motion by Dr. Lippincott, seconded by Dr. Owens and carried, the Executive Committee came out of Executive Session at which time Dr. McClendon asked Dr. Lippincott to report on the Executive Committee's decision. Dr. Lippincott reported that the request for an exception of rule 1.2.A of Part 2630, Collaboration with Nurse Practitioners is approved for a period of one year with the stipulation that quarterly reports with outcomes based on diagnoses be provided to the Executive Director.

PERSONAL APPEARANCE BY TIMOTHY D. JACKSON, M.D. MISSISSIPPI MEDICAL LICENSE 14510

Mr. Barnes advised that the Board had reinstated Dr. Jackson's medical license last year with the requirement that he complete a Board approved re-entry program for

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general orthopedic surgery with the specifics to be determined by the Executive Director. Dr. Jackson had been unable to find a preceptor.

Dr. Jackson joined the meeting and summarized his request to change the emphasis of his practice. Dr. Jackson has an opportunity with a company that has an established musculoskeletal and regenerative / functional medicine clinic. The position is for an office staff physician and research director. Dr. Jackson has requested to discuss the removal of the restriction on his license, clarification of the licensure restriction and change the emphasis of his practice to meet this employment opportunity.

After discussion and questions from the Executive Committee, a motion was made by Dr. Owens, seconded by Dr. Lippincott, and carried that the Executive Committee enter into executive session for discussion regarding a course of action.

Upon a motion by Dr. Owens, seconded by Dr. Lippincott and carried, the Executive Committee came out of Executive Session at which time Dr. McClendon asked Dr. Lippincott to report on the Executive Committee's decision. Dr. Lippincott reported that the request for removal of the restricted license is denied, the clarification of the November 2021, Board Order is that reentry into the practice of general orthopedic include office based and operative proctoring. It is further ordered that Dr. Jackson has six months to start an approved reentry program.

ZOOM APPEARANCE BY SHAMINDER GUPTA, M.D.
MISSISSIPPI MEDICAL LICENSE 27111

Dr. Gupta joined the meeting and was represented by legal counsel, Mr. Jonathan Teitenberg with Monogram Health. Dr. Gupta executed a written agreement for this informal meeting, a copy of which is attached hereto and incorporated by reference.

Dr. Gupta is requesting an exception to the 20/80 hour in-state physician practice requirement of the regulation, Collaboration with Nurse Practitioners, Part 2630. Rule 1.2.A. Dr. Gupta is with Monogram Health, a group that does tele-nephrology care. The primary doctor, Dr. Leslie Carnahan, is located in Pass Christian, and Dr. Gupta is making this request to serve as the backup collaborator.

Dr. Gupta briefly summarized his training and the virtual practice model of this proposed tele-nephrology care.

Dr. Mark Phillippi joined the meeting via telephone. Dr. Phillippi is a nephrologist at Central Nephrology of Jackson, MS, is opposed to this model of virtual practice of nephrology care. Dr. Phillippi outlined the reasons for his opposition.

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After discussion and questions from the Executive Committee, a motion was made by Dr. Owens, seconded by Dr. Lippincott, and carried that the Executive Committee enter into executive session for discussion regarding a course of action.

Upon a motion by Dr. Owens, seconded by Dr. Lippincott and carried, the Executive Committee came out of Executive Session at which time Dr. McClendon asked Dr. Lippincott to report on the Executive Committee's decision. Dr. Lippincott reported that the request for an exception is denied.

EXECUTIVE DIRECTOR REPORT TO THE EXECUTIVE COMMITTEE

Dr. Cleveland provided a brief summary regarding events and activities for the months of July and August 2022.

OTHER BUSINESS

A motion was made by Dr. Owens, seconded by Dr. Lippincott, and carried that the Executive Committee enter into executive session to discuss a personnel matter.

ADJOURNMENT

There being no further business, the meeting adjourned on Wednesday, September 21, 2022, at 11:37 am.



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

**Minutes taken and transcribed.
By Frances Carrillo
Staff Officer
September 21, 2022**



MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

Agreement to Appear Informally Before Executive Committee by Current Licensee

I, Darrin Mangiacarne, D.O. have been asked to appear informally before the Executive Committee of the Mississippi State Board of Medical Licensure (hereinafter "Board") to discuss issues which may relate to my practice and possible the grounds, if any, for disciplinary action, and possible resolution of the same. It is the purpose of the informal meeting to discuss the facts of the case, to give me an opportunity to ask questions of the Committee or its staff, and to give the Committee or its staff an opportunity to ask questions of me. Because the meeting is informal, no disciplinary action will be taken without my express written consent. In so doing, I have been advised and understand the following:

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

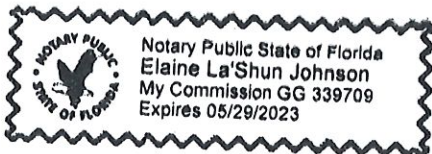
with legal counsel present (name of counsel:)

X without legal counsel present

EXECUTED, this the 26th day of August, 2022.

Licensee: [Signature]

Witness: Elaine LaShun Johnson





MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
Agreement to Appear Informally Before Executive Committee
by Current Licensee

I, _____ have been asked to appear informally before the Executive Committee of the Mississippi State Board of Medical Licensure (hereinafter "Board") to discuss issues which may relate to my practice and possible the grounds, if any, for disciplinary action, and possible resolution of the same. It is the purpose of the informal meeting to discuss the facts of the case, to give me an opportunity to ask questions of the Committee or its staff, and to give the Committee or its staff an opportunity to ask questions of me. Because the meeting is informal, no disciplinary action will be taken without my express written consent. In so doing, I have been advised and understand the following:

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

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

without legal counsel present

EXECUTED, this the 6th day of September 2022

Licensee: Beverly A. McMillan MD

Witness: Aranda McMillan



MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

**Agreement to Appear Informally Before Executive Committee
by Current Licensee**

I, **TIMOTHY D. JACKSON, M.D.** have agreed to appear informally before the Executive Committee of the Mississippi State Board of Medical Licensure (hereinafter "Board") to discuss issues which may relate to my practice and its current restrictions pending the completion of a Board supervised surgery re-entry program, and possible resolution of the same. It is the purpose of the informal meeting to discuss the facts of the case, to give me an opportunity to ask questions of the Committee or its staff, and to give the Committee or its staff an opportunity to ask questions of me. Because the meeting is informal, no disciplinary action will be taken without my express written consent. In so doing, I have been advised and understand the following:

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

_____ with legal counsel present (name of counsel: none)

(D) without legal counsel present

EXECUTED, this the 8th day of September, 2022.

Licensee: #14510 by: [Signature]

Witness: _____



MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

**Agreement to Appear Informally Before Executive Committee
by Current Licensee**

I, **Shaminder Gupta, M.D.** have been asked to appear informally before the Executive Committee of the Mississippi State Board of Medical Licensure (hereinafter "Board") to discuss issues which may relate to my practice and possible the grounds, if any, for disciplinary action, and possible resolution of the same. It is the purpose of the informal meeting to discuss the facts of the case, to give me an opportunity to ask questions of the Committee or its staff, and to give the Committee or its staff an opportunity to ask questions of me. Because the meeting is informal, no disciplinary action will be taken without my express written consent. In so doing, I have been advised and understand the following:

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

with legal counsel present (name of counsel: John Teitensberg)

without legal counsel present

EXECUTED, this the 25 day of August, 2022.

Licensee: [Signature]

Witness: [Signature]