

**BOARD MINUTES**  
**MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**  
**September 13 and 14, 2023**

A regularly called meeting of the Mississippi State Board of Medical Licensure was held on September 13 & 14, 2023, at 1867 Crane Ridge Drive, Suite 200B, Jackson, MS, after being duly noticed on the Mississippi Public Notice website, this Board's website, and the front door of the Board's offices in accordance with law.

**THE FOLLOWING MEMBERS WERE PRESENT ON SEPTEMBER 13, 2023:**

Michelle Y. Owens, M.D., Jackson, President  
C. Kenneth Lippincott, M.D., Tupelo, Vice President  
Thomas Joiner, M.D., Jackson, Secretary  
Kirk L. Kinard, D.O., Oxford  
H. Allen Gersh, M.D., Hattiesburg  
William E. Loper, M.D., Ridgeland  
Shoba Gaymes, Jackson, Consumer Member  
Wesley Breland, Hattiesburg, Consumer Member

**ALSO PRESENT:**

Paul Barnes, Board Attorney, Complaint Counsel  
Kim Turner, Special Assistant Attorney General  
Kenneth Cleveland, Executive Director  
Mike Lucius, Deputy Director  
Anna Boone, Director of Licensure Division  
Jackie McKenzie, Legal Assistant  
Ken Slay, IT Project Manager  
Jonathan Dalton, Director of Investigations  
Frances Carrillo, Executive Assistant  
Shanna Cumberland, Brown Court Reporter

**NOT PRESENT:**

David W. McClendon, Jr., M.D., Ocean Springs  
Renia Dotson, M.D., Greenville  
Roderick Givens, M.D., Natchez  
Major General (Ret.) Erik Hearon, Jackson, Consumer Member

The meeting was called to order at 10:37 am, by Dr. Owens, President. The invocation was given by Dr. Joiner, and the pledge was led by Dr. Kinard.

Dr. Owens introduced Kim Turner, Special Assistant Attorney General who will serve as the Board's Hearing Officer, and Shanna Cumberland, 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 July and August 2023.

### **Review and Approval of Minutes of the Executive Committee dated July 26, 2023.**

Upon review of the minutes of the Executive Committee Meeting dated July 26, 2023, Dr. Joiner moved for approval of the minutes as submitted. Dr. Lippincott seconded the motion and it carried unanimously.

### **Review and Approval of Minutes of the Board Meeting dated July 27, 2023.**

Upon review of the minutes of the Board Meeting dated July 27, 2023, Dr. Loper moved for approval of the minutes as submitted. Dr. Gersh seconded the motion and it carried unanimously.

### **Approval of Minutes of the Specially Called Board Meeting dated August 9, 2023.**

Upon review of the minutes of the Board Meeting dated August 9, 2023, Dr. Kinard moved for approval of the minutes as submitted. Dr. Lippincott seconded the motion and it carried unanimously.

### **Report of September 13, 2023, Executive Committee Meeting**

Dr. Joiner reported on the matters considered by the Executive Committee on September 13, 2023, and the recommendations made.

A motion was made by Dr. Kinard, seconded by Dr. Lippincott, and carried, to accept the report and ratify the recommendations as reported by the Executive Committee.

### **Scope of Practice - Dr. Kinard (Chair), Dr. Gersh, Dr. McClendon, Dr. Givens, Dr. Dotson, Mr. Breland, Ms. Gaymes, Dr. Cleveland**

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

### **Professionals Health Program - Dr. Lippincott (Chair), Dr. Gersh, Dr. Joiner, Dr. Loper, Maj Gen Hearon, Ms. Gaymes, Anthony Cloy, Dr. Cleveland**

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

**Telemedicine I Interstate Licensure Compact – Dr. Givens (Chair), Dr. Kinard, Dr. Lippincott, , Dr. Dotson, Maj Gen Hearon, Dr. Cleveland, Mr. Lucius**

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

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

Dr Kinard briefly summarized the August 25, 2023, Zoom meeting of the Licensees Education and Communication Committee. Dr. Kinard reported the discussion of the need to communicate to Licensees alerts and guidance publications for topics related to their practice. The following publications were emailed to Licensees;

- Guidance Regarding Semaglutide-Based Medications
- Guidance regarding IV Hydration Therapy Education
- Guidance regarding DEA Letter regarding requirement for medication assisted treatment.

All publications are available for review on the Mississippi State Board of Medical Licensure website. Future content for the next newsletter to be discussed at a future date.

**Physician Assistant Advisory Task Force - Dr. Kinard (Chair), Mr. Jonathan Dalton, Maj Gen Hearon, Joanna Mason, PA-C, Tristen Harris, PA-C, Stephen English, PA-C, Steve Martin, PA-C, Deb Munsell, PA-C, Vanessa Perniciaro, PA-C, Dr. Cleveland, Mr. Ledbetter**

Dr. Kinard advised there was no report.

**Rules, Regulation & Legislative - Dr. Joiner (Chair), Dr. Gersh, Dr. Loper, Dr. Lippincott, Mr. Breland, Dr. Cleveland, Jay Ledbetter**

Proposed changes to regulation:

- Part 2640, Rule 1.2 Definitions
- Part 2640, Rule 1.6 Bariatric Medicine, Medical Weight Loss, or Weight Management Practice

Dr. Joiner reported that the committee met on August 28, 2023, to review and discuss proposed changes to the Bariatric Medicine regulation and the Prescriptive Authority definition. Dr. Joiner advised that Rules 1.2 and 1.6 will be amended.

Rule 1.6 will be completely struck to remove the registration requirement and allow all Family Physicians to treat patients for weight loss without registration.

Rule 1.2 will be amended so that the definition for “prescriptive authority” will include all medications, not just controlled substances.

A motion was made by Dr. Kinard to **ACCEPT** the proposed changes, and it carried unanimously.

Copies of the proposed changes are attached hereto and incorporated by reference.

**DR. JOINER EXITED MEETING AT 10:56 AM**

**APPROVAL OF CONSENT ORDER FOR PETER KARTH, M.D.**  
**MISSISSIPPI MEDICAL LICENSE 24816**

Mr. Barnes briefly summarized the circumstances leading to this Consent Order, which mirrored action by the Oregon Medical Board.

After discussion, a motion was made by Dr. Kinard, seconded by Dr. Loper, and carried unanimously to **APPROVE** 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 Shanna Cumberland, Court Reporter, Brown Court Reporting, Inc.

**APPROVAL OF CONSENT ORDER FOR GREGORY J. HALL, M.D.**  
**MISSISSIPPI MEDICAL LICENSE 27246**

Mr. Barnes briefly summarized the circumstances leading to this Consent Order, which mirrored a reprimand issued by the Wisconsin Medical Board.

After discussion, a motion was made by Dr. Kinard, seconded by Dr. Loper, and carried unanimously to **APPROVE** 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 Shanna Cumberland, Court Reporter, Brown Court Reporting, Inc.

**MASSIE HEADLEY, M.D.**  
**MISSISSIPPI MEDICAL LICENSE 14432 PETITION TO REINSTATEMENT**

Mr. Barnes introduced Dr. Headley and his attorney, Mr. Tim Sensing. Mr. Barnes provided the Board with a brief summary of this matter and advised that Dr. Headley's petition is to lift restrictions of an existing Board Order.

Dr. Headley was sworn in by the court reporter.

Dr. Headley testified and answered questions regarding his compliance with the requirements of the May 18, 2023, Consent Order.

Ms. Turner the Hearing Officer, requested a copy of the filed, written petition. Mr. Barnes confirmed that this was a verbal petition and the Board had not received a written petition accompanied by letters of recommendation as required by the statute.

Mr. Barnes reported that Dr. Headley has fully complied with the Consent order and requested that if the Board grants this reinstatement to make it effective 12:00 am on Saturday, September 16, 2023.

After discussion, a motion was made by Dr. Kinard to **GRANT** Dr. Headley's request for reinstatement to be effective at 12:00 am on Saturday, September 16, 2023, contingent upon full completion of the statutory requirements regarding a written petition and letters of support found in 73-25-32, seconded by Dr. Lippincott, and carried unanimously.

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

The official account of this proceeding was recorded by Shanna Cumberland, Court Reporter, Brown Court Reporting, Inc.

MR. BARNES ADVISED the Board that the hearings set for Dr. Sudderth and Dr. Fakorede will be lengthy and complex, continuances are requested for Dr. Sudderth's hearing to be rescheduled for November and Dr. Fakorede's hearing to be continued until January 2024.

**HEARING IN THE CASE OF STEPHEN D. SUDDERTH, M.D., VICKSBURG, MS**  
**MISSISSIPPI MEDICAL LICENSE 17597**  
**Motion for a Continuance for November**

A motion was made by Dr. Kinard, seconded by Dr. Lippincott, and carried unanimously to **ACCEPT** the motion to continue this matter until the November Board meeting.

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

**HEARING IN THE CASE OF FOLUSO A. FAKOREDE, M.D., CLEVELAND, MS**  
**MISSISSIPPI MEDICAL LICENSE 23725**  
**Motion for a Continuance for January 2024**

A motion was made by Dr. Loper, seconded by Dr. Kinard, and carried unanimously to **ACCEPT** the motion to continue this matter until the January 2024 Board meeting.

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

**HEARING IN THE CASE OF JAMES L. HOLZHAUER, M.D., COLUMBUS, MS**  
**MISSISSIPPI MEDICAL LICENSE 11477**  
**MOTION FOR A CONTINUANCE**

Mr. Barnes advised that Dr. Holzauer's attorney had requested a continuance.

A motion was made by Dr. Loper, seconded by Dr. Kinard, and carried unanimously to **ACCEPT** the motion to continue this matter until the November Board meeting.

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

**HEARING IN THE CASE OF MICHAEL L. SANDERS, M.D., RIDGELAND, MS**  
**MISSISSIPPI MEDICAL LICENSE 15970**  
**MOTION FOR A CONTINUANCE**

Mr. Barnes advised that the affidavit against Dr. Sanders must be amended and has requested for a continuance on this matter.

A motion was made by Dr. Kinard, seconded by Dr. Loper, and carried unanimously to **ACCEPT** the motion to continue this matter until the November Board meeting.

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

MR. BARNES ADVISED for efficiency reasons to amend the order of the remaining items on the agenda.

A motion made by Dr. Kinard, seconded by Dr. Lippincott, and carried unanimously to change the order of the agenda for this meeting.

Amended listing of hearings:

19. Hearing in the Case of Cosmin Dobrescu, M.D.

18. Hearing in the Case of Fatima Hussein, M.D

17. Hearing in the Case of Mehya Torghabeh, M.D

**THE BOARD RECESSED FOR LUNCH AT 11:37 AM TO RESUME AT 1:00 PM**

**HEARING IN THE CASE OF COSMIN DOBRESCU, M.D., CHICAGO, IL  
MISSISSIPPI MEDICAL LICENSE 31340**

Mr. Barnes provided the Board with a brief summary of this matter. Dr. Dobrescu's attorney had requested a continuance for this hearing until the underlying proceedings with the state of Alaska are completed. The provisions of the Order of Temporary Suspension issued on July 24, 2023, shall remain in full force and in effect until this Board resolves this matter with a hearing.

A motion was made by Dr. Loper, seconded by Dr. Kinard, and carried unanimously to **ACCEPT** the motion to continue this matter until a disposition has been finalized by the Alaska State Medical Board

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

**HEARING IN THE CASE OF FATIMA HUSSEIN, M.D., ELLICOTT CITY, MD  
MISSISSIPPI MEDICAL LICENSE 29421**

Exhibits are introduced into the record.

Mr. Barnes made an opening statement.

Mr. Mercier made an opening statement.

Dr. Hussein is sworn in by the Court Reporter.

Dr. Hussein answered questions from Mr. Barnes, Dr. Hussein then stepped down from the witness stand.

Mr. Dalton, Director of Investigations, is sworn in by the Court Reporter.

Mr. Dalton answered questions from Mr. Mercier and Mr. Barnes. Mr. Dalton then stepped down from the witness stand.

Dr. Hussein answered questions from Mr. Mercier and Mr. Barnes.

Mr. Barnes made a closing statement.

Mr. Mercier made a closing statement.

A motion was made by Dr. Kinard, seconded by Dr. Lippincott and carried that the Board meeting be closed to discuss whether to enter into executive session on this matter.

A motion by Dr. Gersh, seconded by Dr. Lippincott, and carried that the Board enter into executive session to discuss investigative proceedings regarding allegations of misconduct or violations of law by Licensee.

Upon a motion by Dr. Loper, seconded by Dr. Lippincott and carried, the Board came out of executive session at which time Dr. Owens asked Dr. Kinard to report on its decision. Dr. Kinard reported that recognizing Dr. Hussein's admission of the violation of Rule 1.3 and 1.4 of Part 2630 Chapter 1: Collaboration with Nurse Practitioners the Board will issue a **PUBLIC REPRIMAND**.

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

The official account of this proceeding was recorded by Shanna Cumberland, Court Reporter, Brown Court Reporting, Inc.

**HEARING IN THE CASE OF MEHYAR TORGHABEH, M.D., VANCOUVER, WA**  
**MISSISSIPPI MEDICAL LICENSE 25566**

Exhibits are introduced into the record.

Mr. Barnes made an opening statement.

Mr. Mercier made an opening statement.

Dr. Torghabeh is sworn in by the Court Reporter.



Dr. Torghabeh answered questions from Mr. Barnes, Dr. Torghabeh then stepped down from the witness stand.

Dr. Torghabeh answered questions from Mr. Mercier and Mr. Barnes.

Mr. Barnes made a closing statement.

Mr. Mercier made a closing statement.

A motion was made by Dr. Kinard, seconded by Dr. Gersh and carried that the Board meeting be closed to discuss whether to enter into executive session on this matter.

A motion by Dr. Lippincott, seconded by Dr. Kinard, and carried that the Board enter into executive session to discuss investigative proceedings regarding allegations of misconduct or violations of law by Licensee.

Upon a motion by Dr. Kinard, seconded by Dr. Gersh and carried, the Board came out of executive session at which time Dr. Owens asked Dr. Kinard to report on its decision. Dr. Kinard reported that the Board finds that the complainant has not met its burden and therefore **DISMISS** the complaint.

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

The official account of this proceeding was recorded by Shanna Cumberland, Court Reporter, Brown Court Reporting, Inc.

**THE MEETING IS RECESSED AT 4:00 PM AND WILL RESUME THURSDAY,  
SEPTEMBER 14 AT 9:00 AM**

**THE FOLLOWING MEMBERS WERE PRESENT ON SEPTEMBER 14, 2023:**

Michelle Y. Owens, M.D., Jackson, President  
C. Kenneth Lippincott, M.D., Tupelo, Vice President  
Thomas Joiner, M.D., Jackson, Secretary  
Kirk L. Kinard, D.O., Oxford  
H. Allen Gersh, M.D., Hattiesburg  
Roderick Givens, M.D., Natchez  
William E. Loper, M.D., Ridgeland  
Shoba Gaymes, Jackson, Consumer Member  
Wesley Breland, Hattiesburg, Consumer Member

**ALSO PRESENT:**

Paul Barnes, Board Attorney, Complaint Counsel  
Alexis Morris, Special Assistant Attorney General  
Kenneth Cleveland, Executive Director  
Mike Lucius, Deputy Director  
Anna Boone, Director of Licensure Division  
Jackie McKenzie, Legal Assistant  
Ken Slay, IT Project Manager  
Jonathan Dalton, Director of Investigations  
Frances Carrillo, Executive Assistant  
Lori Busick, Brown Court Reporter

**NOT PRESENT:**

David W. McClendon, Jr., M.D., Ocean Springs  
Renia Dotson, M.D., Greenville  
Major General (Ret.) Erik Hearon, Jackson, Consumer Member

The meeting was called to order at 9:41 am, by Dr. Owens, President. Dr. Owens acknowledged Alexis Morris, Special Assistant Attorney General who will serve as the Board's Hearing Officer, and Lori Busick, Court Reporter with Brown Court Reporting.

**HEARING IN THE CASE OF GREGORY A. AUZENNE, M.D., MERIDIAN, MS  
MISSISSIPPI MEDICAL LICENSE 25959**

Exhibits are introduced into the record.

Mr. Barnes introduced Dr. Auzenne's counsel Mr. Jeffrey Moore and Brandon McCarthy.

Mr. Barnes made an opening statement.

Mr. Moore made an opening statement.

All witnesses are sworn in by the Court Reporter.

Dr. Auzenne is called to the stand and answers questions from Mr. Barnes.

Mr. Barnes tendered the witness.

Mr. Robert Smith was called to the stand and answered questions from Mr. McCarthy and crossed examined by Mr. Barnes.

**THE BOARD RECESSED FOR LUNCH AT 12:00 PM TO RESUME AT 1:00 PM**

Mr. Barnes advised that complaint counsel and Dr. Auzenne's counsel jointly requested that the board go into recess followed by executive session to consider terms for a newly proposed consent order.

Ms. Morris read into the record that the proposed agreement shall be at the subject and approval of the Board. If the Board fails to approve, it shall have no force or affect on the parties. The purpose of this proposal is to resolve the current hearing. Licensee authorizes the Board to review and examine any evidence in consideration of this agreement. If the Board does not agree to the proposed agreement the hearing will continue.

A motion was made by Dr. Kinard, seconded by Dr. Joiner and carried that the Board recess to consider the proposal.

A motion by Dr. Loper, seconded by Dr. Kinard, and carried that the Board enter into executive session to discuss investigative proceedings regarding allegations of misconduct or violations of law by Licensee.

Upon a motion by Dr. Loper, seconded by Dr. Gersh and carried, the Board came out of executive session at which time Dr. Owens asked Dr. Joiner to report on its decision. Dr. Joiner reported that the Board decision is: 1) place Dr. Auzenne's license on **PROBATION** to run concurrently with his federal criminal probation; 2) Licensee is not required to reappear in-person at the end of the probation, an attorney may appear on his behalf; 3) Licensee shall reimburse the Board for investigative costs.

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

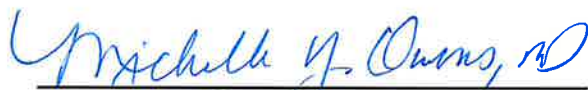
The official account of this proceeding was recorded by Lori Busick, Court Reporter, Brown Court Reporting, Inc.

**NOVEMBER 2023 BOARD MEETING DATES**

The next regularly scheduled meeting of the board is set for Wednesday, November 15, 2023, and Thursday, November 16, 2023.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 1:45 p.m.



---

**Michelle Y. Owens, M.D.**  
**President**

**Minutes taken and transcribed by:**  
Frances Carrillo, Executive Assistant  
September 14, 2023

**BOARD MEETING AGENDA**  
**MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**  
**September 13 at 10:30 am & September 14, 2023, 9:00 am**

1. Meeting called to order.
2. Invocation, Pledge
3. Announcements and Public Comments  
Julie Pace
4. Executive Director Report.
5. Approval of Minutes of the Executive Committee dated July 26, 2023.
6. Approval of Minutes of the Board Meeting dated July 27, 2023.
7. Approval of Minutes of the Specially Called Board Meeting dated August 9, 2023.
8. Report of September 13, 2023, Executive Committee Meeting.
9. Reports from Committees
  1. Scope of Practice: Dr. Kinard (Chair), Dr. Gersh, Dr. McClendon, Dr. Givens, Dr. Dotson, Mr. Breland, Ms. Gaymes, Dr. Cleveland
  2. Professionals Health Program: Dr. Lippincott (Chair), Dr. Gersh, Dr. Joiner, Dr. Loper, Maj Gen Hearon, Ms. Gaymes, Anthony Cloy, Dr. Cleveland
  3. Telemedicine I Interstate Licensure Compact: Dr. Givens (Chair), Dr. Kinard, Dr. Lippincott, Dr. Dotson, Maj Gen Hearon, Dr. Cleveland, Mr. Lucius
  4. Licensees Education and Communication: Dr. McClendon (Chair), Dr. Gersh, Dr. Kinard, Dr. Joiner, Dr. Lippincott, Mr. Breland, Ms. Gaymes, Dr. Cleveland, Mr. Lucius, Camille Young
    - Guidance Regarding Semaglutide-Based Medications
    - IV Hydration Therapy Education
    - DEA Letter regarding requirement for medication assisted treatment.
  5. Physician Assistant Advisory Task Force: Dr. Kinard (Chair), Mr. Jonathan Dalton, Maj Gen Hearon, Joanna Mason, PA-C, Tristen Harris, PA-C, Stephen English, PA-C, Steve Martin, PA-C, Deb Munsell, PA-C, Vanessa Perniciaro, PA-C, Dr. Cleveland, Jay Ledbetter
  6. Rules, Regulation & Legislative: Dr. Joiner (Chair), Dr. Gersh, Dr. Loper, Dr. Owens, Dr. Lippincott, Mr. Breland, Dr. Cleveland, Jay Ledbetter
    - Part 2640, Rule 1.2 Definitions
    - Part 2640, Rule 1.6 Bariatric Medicine, Medical Weight Loss, or Weight Management Practice

10. Peter Karth, M.D.  
Mississippi Medical License 24816  
Approval of Consent Order
11. Gregory J. Hall, M.D.  
Mississippi Medical License 27246  
Approval of Consent Order
12. Massie Headley, M.D.  
Mississippi Medical License 14432  
Petition to Reinstatement
13. Hearing in the Case of Stephen D. Sudderth, M.D., Vicksburg, MS  
Mississippi Medical License 17597  
**Motion for a Continuance**
14. Hearing in the Case of Foluso A. Fakorede, M.D., Cleveland, MS  
Mississippi Medical License 23725  
**Motion for a Continuance**
15. Hearing in the Case of James L. Holzhauer, M.D., Columbus, MS  
Mississippi Medical License 11477  
**Motion for a Continuance**
16. Hearing in the Case of Michael L. Sanders, M.D., Ridgeland, MS  
Mississippi Medical License 15970  
**Motion for a Continuance**
17. Hearing in the Case of Mehیار Torghabeh, M.D., Vancouver, WA  
Mississippi Medical License 25566
18. Hearing in the Case of Fatima Hussein, M.D., Ellicott City, MD  
Mississippi Medical License 29421
19. Hearing in the Case of Cosmin Dobrescu, M.D., Chicago, IL  
Mississippi Medical License 31340
20. Hearing in the Case of Gregory A. Auzenne, M.D., Meridian, MS  
Mississippi Medical License 25959
21. November Board Meeting Dates, Wednesday, November 15, 2023 and Thursday,  
November 16, 2023.

**MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
MINUTES OF COMMITTEE MEETING  
Licensees Education and Communication Committee**

Dr. McClendon (Chair), Dr. Gersh, Dr. Kinard, Dr. Joiner,  
Dr. Lippincott, Mr. Breland, Ms. Gaymes, Dr. Cleveland, Mr. Lucius, Ms. Young

Mississippi State Board of Medical Licensure Executive Conference Room  
Friday, August 25, 2023 at 1:30 pm  
Board Members attended meeting via Zoom.  
Roll call conducted by Dr. Cleveland  
Members not present: Mr. Breland, Ms. Gaymes, Ms. Young

**TOPICS:**

- DEA Training Letter regarding requirement for medication assisted treatment.
- Guidance Regarding Semaglutide-Based Medications
- IV Hydration Therapy Education

The meeting was called to order at 1:33 p.m. by the Committee Chairperson, Dr. McClendon. Dr. Cleveland summarized the topics for discussion to the Committee Members. Committee members discussed the goals and methods of this committee, and it's role in advising, educating, and disseminating important issues applicable to Licensees' practice.

**DEA TRAINING REQUIREMENTS**

DEA enacted a one-time eight hour CME requirement for all DEA registered practitioners in the treatment of patients with opioid or other substance use disorders. The Committee considered and discussed draft guidance to Licensees on this issue proposed by staff.

A motion was made by Dr. Joiner, seconded by Dr. Kinard, and carried unanimously to disseminate to Licensees.

A copy of the Guidance Regarding Modified DEA Training Requirements is attached hereto and incorporated by reference.

**GUIDANCE REGARDING SEMAGLUTIDE-BASED MEDICATIONS**

The Committee considered and discussed draft guidance proposed by staff to clarify the Board's regulations and recent developments regarding the use of Semaglutide based medication, including compounded Semaglutide.

After discussion, a motion was made by Dr. Joiner to allow the Executive Director to disseminate the edited version as dictated with clarification to Licensees, seconded by Dr. Kinard, and carried unanimously.

**MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
MINUTES OF COMMITTEE MEETING  
Licensees Education and Communication Committee**

Dr. McClendon (Chair), Dr. Gersh, Dr. Kinard, Dr. Joiner,  
Dr. Lippincott, Mr. Breland, Ms. Gaymes, Dr. Cleveland, Mr. Lucius, Ms. Young

A copy of the Guidance regarding Semaglutide-based medications is attached hereto and incorporated by reference.

**IV HYDRATION THERAPY EDUCATION**

The Committee considered and discussed guidance using IV hydration therapy proposed by staff.

After discussion, a motion was made by Dr. Lippincott to allow the Executive Director to disseminate this educational publication to Licensees, seconded by Dr. Kinard, and carried unanimously.

A copy of Guidance Regarding IV Hydration Therapy is attached hereto and incorporated by reference.

**MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE NEWSLETTER**

There was discussion regarding potential future topics and the need for additional guidance publications, and content of the quarterly Mississippi State Board of Medical Licensure newsletter.

Copies of all three new Guidance memos will be emailed to Licensees, and will be posted on the Mississippi State Board of Medical Licensure website.

There being no further business Dr. McClendon Meeting adjourned the meeting at 2:21 p.m.

---

**William David McClendon, Jr., M.D.  
Committee Chair**

Minutes taken and transcribed by:  
Frances Carrillo, Executive Assistant  
August 25, 2023



## GUIDANCE REGARDING SEMAGLUTIDE-BASED MEDICATIONS FROM THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

The Board recognizes that Type 2 Diabetes and obesity are two of the most serious public health problems facing our state. The potential benefits for many Mississippi patients of new semaglutide-based medications like Ozempic® and Wegovy® are obvious.<sup>1</sup> However, because these drugs are in high demand and short supply, some providers have turned to the use of compounded versions that are represented to be safe substitutes for the patented drugs, but which are unproven. Public safety requires that the Board emphasize three points concerning this issue:

1. The off-label use of semaglutide-based legend drugs is prohibited by Board regulation;<sup>2</sup>
2. Compounded semaglutide products likely use as Active Pharmaceutical Ingredients (APIs) salt forms of semaglutide, chemically synthesized versions, or research-grade ingredients not intended for human use. Such APIs have not been proven to be safe and effective substitutes or equivalents for the patented drugs;
3. The Board strongly advises medical licensees to refrain from prescribing, dispensing, or administering any compounded semaglutide until further notice.

Ozempic® and Wegovy® are currently listed on the Food and Drug Administration (FDA) "shortage list." Generally, when a drug appears on the shortage list, compounded drugs can be made and distributed with fewer restrictions. However, the listing of Ozempic® and Wegovy® does not change the high standards for quality of ingredients and sanitary manufacturing conditions with which compounders must comply.

Board regulations prohibit off-label use of any non-FDA-approved medication solely for the purpose of weight loss. On March 22, 2023, the Board passed an emergency rule to permit waivers to be granted for the off-label use of diet medications on a per-medication or class of medications basis. The Board then granted an emergency waiver or exemption for Semaglutide-based legend drugs until July 1, 2023.<sup>3</sup> However, since that time the Board has received additional information on this issue from various sources, including the Food and Drug Administration (FDA) and the Mississippi Board of Pharmacy. Therefore, on July 27, 2023 the Board RESCINDED the exemption permitting off-label use

---

<sup>1</sup> Saxenda® (liraglutide) is also FDA-approved for weight loss. Other non-semaglutide based medications showing promise for these conditions are also becoming available, such as Mounjaro™ (tirzepatide).

<sup>2</sup> See Part 2640, Chapter 1, Rule 1.5(F). "Off-label use of any medication that does not have Food and Drug Administration approval for use in the treatment of weight loss is prohibited if administered solely for the purpose of weight loss."

<sup>3</sup> On April 18, 2023, after the Board received information from the Mississippi Board of Pharmacy expressing concerns about the safety of compounded semaglutide based on FDA publications, the Executive Director emailed to all Board licensees a memorandum prepared by the Pharmacy Board and distributed to Mississippi pharmacists. That memo outlined problems with the use of semaglutide salt forms as APIs for compounding purposes.

of semaglutide-based medications, and REJECTED a new request for a waiver specifically authorizing the use of compounded semaglutide.<sup>4</sup>

Ozempic®, Wegovy®, Mounjaro™ and similar medications are already becoming important tools for treating and managing Type 2 Diabetes and obesity. However, the use of unproven and potentially unsafe compounded versions of these patented medications cannot be condoned by the Board under current circumstances.

### CONCLUSION

1. Currently Wegovy® (semaglutide) and Saxenda® (liraglutide) are the only peptides approved by the FDA for weight loss. The off-label use of peptide-based legend drugs solely for weight loss is prohibited;
2. Compounded semaglutide products have not been proven to be safe and effective substitutes or equivalents for the patented drugs;
3. Licensees are advised to refrain from prescribing, dispensing, or administering compounded semaglutide at this time.



Kenneth E. Cleveland, M.D.  
Executive Director  
MISSISSIPPI STATE BOARD  
OF MEDICAL LICENSURE



CC: All Board Licensees

---

<sup>4</sup> On July 27, 2023, the Board was asked to grant a waiver for compounded semaglutide. Susan McCoy, the Executive Director of the Mississippi Board of Pharmacy, appeared and provided current information concerning compounded semaglutides. The available compounded versions are likely being made with salt forms of semaglutide, chemically synthesized versions, or research-grade ingredients not intended for use in humans. Research-grade materials are not subject to the same strict manufacturing regulations as pharmaceutical-grade APIs, nor are they intended for human use. Director McCoy advised that the substitute ingredients, manufactured in China, have not been proven to be legitimate, effective, or manufactured under sanitary conditions. At least some such products appear to have been originally labeled as research-grade drugs and then relabeled as pharmaceutical grade after they were imported into the United States. Further, some compounding pharmacies appear to be using misleading or inaccurate information in their advertising. At least one out-of-state pharmacy actively marketing compounded semaglutide to Mississippi physicians has ever had a Mississippi compounding certificate, and therefore cannot legally sell any compounded products in this state. The video from July 27 Board meeting is available at: <https://www.youtube.com/live/PaXqYWd2ln0?si=G0LwcbzHHr3W1ve4&t=1976> The waiver request, comments, and discussion of this issue begin at the 21:20 mark.

## **GUIDANCE REGARDING IV HYDRATION THERAPY FROM THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**

The proliferation of retail IV hydration therapy businesses causes the Board concern for public safety. Many clinics or spas engaging in this therapy are adopting business and/or practice models without realizing IV hydration therapy constitutes the practice of medicine, but those establishments do not have qualified staff legally authorized to perform the necessary tasks and satisfy minimum statutory and regulatory requirements. The Board staff regularly receives inquiries concerning the legal requirements and limits for IV hydration spas and clinics. The number of inquiries received is concerning, because this is NOT a complex issue.

To be clear and avoid any possible basis for misunderstandings: (1) IV hydration therapy constitutes the practice of medicine.<sup>1</sup> (2) IV fluids are legend drugs that must be purchased using a practitioner's DEA number. (3) Just as with any other medication, to satisfy legal and regulatory requirements, a practitioner with prescriptive authority must establish a valid practitioner/patient relationship, take an appropriate history, make a diagnosis necessitating IV therapy, develop a plan, and prescribe IV fluids for a specific patient. (4) After such a lawful prescription has been issued, qualified personnel such as Registered Nurses may administer IV fluids and monitor a patient for potential side effects. (5) Any IV hydration therapy practice or business model that does not satisfy these requirements is unlawful. (6) Licensees of this Board must at all times remain mindful that neither a business nor business owner can lawfully exercise control over the manner in which a physician provides medical services, nor interfere with the independent exercise of a physician's medical judgment.<sup>2</sup>

"Knowingly performing any act which in any way assists an unlicensed person to practice medicine," is unprofessional conduct and grounds for discipline. Miss. Code Ann. § 73-25-29. Such unprofessional conduct includes apparently common practices, such as participating in an IV hydration therapy spa or clinic in a position such as "medical director" without ensuring qualified personnel are performing each required task, and attempting to

---

<sup>1</sup> "The practice of medicine shall mean to suggest, recommend, prescribe, or direct for the use of any person, any drug, medicine, appliance, or other agency, whether material or not material, for the cure, relief, or palliation of any ailment or disease of the mind or body, or for the cure or relief of any wound or fracture or other bodily injury or deformity . . ." Miss. Code Ann. § 73-25-33.

<sup>2</sup> This Guidance is intended to offer only an overview of some of the issues raised by the operation of IV hydration therapy clinics and spas. States such as Alabama and South Carolina have published helpful documents which provide additional, extremely detailed guidance and commentary for practitioners. The Alabama State Board of Medical Examiners issued a Declaratory Ruling on July 21, 2022 concerning "retail IV therapy businesses." The Alabama Ruling is available at this link: [https://www.albme.gov/uploads/pdfs/IVTherapy.Declaratory\\_Ruling\\_.pdf](https://www.albme.gov/uploads/pdfs/IVTherapy.Declaratory_Ruling_.pdf)

On August 15, 2023, regulators in the State of South Carolina issued a "Joint Advisory Opinion of the South Carolina State Boards of Medical Examiners, Pharmacy, and Nursing Regarding Retail IV Therapy Businesses" that is available at this link: <https://llr.sc.gov/med/Policies/Joint-Position-Statement-Retail-IV-Therapy.pdf> Both the Alabama and South Carolina opinions are highly recommended and reflect that regulation of IV hydration therapy is not a problem limited to Mississippi, but is a nationwide issue of concern.

circumvent professional standards or regulatory requirements through the use of so-called "Standing Orders" that purport to permit registered nurses or other unqualified personnel to make diagnoses and prescribe IV medications. Delegation through such orders is insufficient to establish a valid licensee-patient relationship, constitutes unprofessional conduct, and is unlawful.

The Board's Administrative Code, Part 2640, Chapter 1, contains Rules Pertaining to Prescribing, Administering and Dispensing of Medication. Pursuant to Rule 1.11: "Prescriptions may not be written outside of a valid licensee-patient relationship." Elements of this valid relationship include:

- Verification of patient identity
- Conducting an appropriate history and physical examination of the patient that meets the applicable standard of care
- Establishing a diagnosis through the use of accepted medical practices, i.e., patient history, mental status exam, physical exam and appropriate diagnostic and laboratory testing
- Discussing diagnosis, risks, and benefits of various treatment options with the patient to obtain informed consent
- Insuring the availability of appropriate follow-up care, and
- Maintaining a complete medical record available to patient and other treating health care providers

Licensees must protect themselves and the public by ensuring that their participation in any business venture constituting the practice of medicine complies with legal and regulatory requirements, and satisfies all applicable professional standards. Public health and safety require no less.



Kenneth E. Cleveland, M.D.  
Executive Director  
MISSISSIPPI STATE BOARD  
OF MEDICAL LICENSURE





**U. S. Department of Justice**  
Drug Enforcement Administration  
8701 Morrissette Drive  
Springfield, Virginia 22152

---

[www.dea.gov](http://www.dea.gov)

## DEA Registered-Practitioners

Dear Registrants:

On December 29, 2022, the Consolidated Appropriations Act of 2023 enacted a new **one-time**, eight-hour training requirement for all Drug Enforcement Administration (DEA)-registered practitioners on the treatment and management of patients with opioid or other substance use disorders. Below is information on this new requirement.

### **Who is responsible for satisfying this new training requirement?**

- All DEA-registered practitioners, with the exception of practitioners that are solely veterinarians.

### **How will practitioners be asked to report satisfying this new training requirement?**

- Beginning on June 27, 2023, practitioners will be required to check a box on their online DEA registration form—regardless of whether a registrant is completing their initial registration application or renewing their registration—affirming that they have completed the new training requirement.

### **What is the deadline for satisfying this new training requirement?**

- The deadline for satisfying this new training requirement is the date of a practitioner's next scheduled DEA registration submission—regardless of whether it is an initial registration or a renewal registration—on or after June 27, 2023.
- This one-time training requirement affirmation will not be a part of future registration renewals.

### **How can practitioners satisfy this new training requirement?**

There are multiple ways that practitioners can satisfy this new training requirement.

- First, the following groups of practitioners are deemed to have satisfied this training:
  1. **Group 1:** All practitioners that are board certified in addiction medicine or addiction psychiatry from the American Board of Medical Specialties, the American Board of Addiction Medicine, or the American Osteopathic Association.
  2. **Group 2:** All practitioners that graduated in good standing from a medical (allopathic or osteopathic), dental, physician assistant, or advanced practice nursing school in the United States within five years of June 27, 2023, and successfully completed a comprehensive curriculum that included at least eight hours of training on:

- Treating and managing patients with opioid or other substance use disorders, including the appropriate clinical use of all drugs approved by the Food and Drug Administration for the treatment of a substance use disorder; or
  - Safe pharmacological management of dental pain and screening, brief intervention, and referral for appropriate treatment of patients with or at risk of developing opioid and other substance use disorders.
- Second, practitioners can satisfy this training by engaging in a total of eight hours of training on treatment and management of patients with opioid or other substance use disorders from the groups listed below. A few key points related to this training:
    1. The training does not have to occur in one session. It can be cumulative across multiple sessions that equal eight hours of training.
    2. Past trainings on the treatment and management of patients with opioid or other substance use disorders can count towards a practitioner meeting this requirement. In other words, if you received a relevant training from one of the groups listed below—prior to the enactment of this new training obligation on December 29, 2022—that training counts towards the eight-hour requirement.
    3. Past DATA-Waived trainings count towards a DEA registrant’s 8-hour training requirement.
    4. Trainings can occur in a variety of formats, including classroom settings, seminars at professional society meetings, or virtual offerings.

**What accredited groups may provide trainings that meet this new requirement?**

- The American Society of Addiction Medicine (ASAM)
- The American Academy of Addiction Psychiatry (AAAP)
- American Medical Association (AMA)
- The American Osteopathic Association (AOA), or any organizations accredited by the AOA to provide continuing medical education
- The American Dental Association (ADA)
- The American Association of Oral and Maxillofacial Surgeons (AAOMS)
- The American Psychiatric Association (APA)
- The American Association of Nurse Practitioners (AANP)
- The American Academy of Physician Associates (AAPA)
- The American Nurses Credentialing Center (ANCC)
- Any other organization accredited by the Accreditation Council for Continuing Medical Education (AACCME) or the Commission for Continuing Education Provider Recognition (CCEPR), whether directly or through an organization accredited by a State medical society that is recognized by the ACCME or CCEPR
- Any other organization approved or accredited by the Assistant Secretary for Mental Health and Substance Use, the ACCME, or the CCEPR

We hope this information is helpful. For information regarding the DEA Diversion Control Division, please visit [www.DEAdiversion.usdoj.gov](http://www.DEAdiversion.usdoj.gov). If you have any additional questions on this issue, please contact the Diversion Control Division Policy Section at (571) 362-3260.

Sincerely,

**THOMAS  
PREVOZNIK**

Digitally signed by  
THOMAS PREVOZNIK  
Date: 2023.03.27  
16:37:23 -04'00'

Thomas W. Prevoznik  
Acting Assistant Administrator  
Diversion Control Division



**GUIDANCE REGARDING MODIFIED DEA TRAINING REQUIREMENTS FROM THE  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**

Over the last several months, the Board has received numerous phone calls regarding the modified CME training requirements DEA has put into effect. Attached is a letter from DEA to its registrants, explaining those requirements. If you have any questions on this issue, please contact DEA's Diversion Control Division. Their Policy Section can be reached at 571.362.3260. Furthermore, Licensees that need the required CME may contact [MSMA](#) or [CE Broker](#) to obtain the training.



Kenneth E. Cleveland, M.D.  
Executive Director  
MISSISSIPPI STATE BOARD  
OF MEDICAL LICENSURE





**MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
MINUTES OF COMMITTEE MEETING  
Rules, Regulation & Legislative Committee**

Dr. Joiner (Chair) Dr Gersh, Dr. Loper, Dr. Lippincott,  
Mr. Breland, Dr. Cleveland, Mr. Ledbetter

Mississippi State Board of Medical Licensure Executive Conference Room  
Monday, August 28, 2023 at 10:30 am  
Board Members attended meeting via Zoom.  
Roll call conducted by Dr. Cleveland  
Members not present: Dr. Loper

**Topic:**

**Proposed changes to regulations:**

- Part 2640 Rule 1.2 Definitions
- Part 2640 Rule 1.6 Bariatric Medicine, Medical Weight Loss, or Weight Management Practice

The meeting was called to order at 10:39 a.m. by Dr. Joiner. Dr. Joiner summarized the proposed changes to the Bariatric Medicine regulation and the Prescriptive Authority definition submitted by staff.

After discussion, a motion was made by Dr. Lippincott to accept the proposed changes to Rule 1. 2 and Rule 1.6, seconded by Dr. Gersh, and carried unanimously.

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

There being no further business Dr. Joiner adjourned the meeting at 10:56 a.m.

---

**Thomas E. Joiner, M.D.**  
**Committee Chair**

Minutes taken and transcribed by:  
Frances Carrillo, Executive Assistant  
August 28, 2023

*Rule 1.2 Definitions.*

For the purpose of Part 2640, Chapter 1 only, the following terms have the meanings indicated:

- A. **Administer, Controlled Substances,** and **Ultimate User** shall have the same meaning as set forth in Mississippi Code, Section 41-29-105, unless the context otherwise requires.
- B. **Board** means the Mississippi State Board of Medical Licensure.
- C. **Physician** means any person licensed to practice medicine, osteopathic medicine or podiatric medicine in the state of Mississippi.
- D. **Physician Assistant** means any person meeting the requirements of licensure in the state of Mississippi as required by Part 2617, Chapter 1.
- E. **Licensee** means any person licensed by this Board who has prescriptive authority.
- F. **Prescriptive Authority** means the legal authority of a professional licensed to practice medicine in the state of Mississippi to prescribe, administer, or dispense legend drugs. Licensees holding or possessing certain license types and training, such as Medical Doctors (MD) and Doctors of Osteopathic Medicine (DO) for example, are conferred prescriptive authority by virtue of their training and licensure by the board.
- G. **Prescribe** means to designate or order by means of either a written or oral prescription the delivery of a controlled substance or legend drug to an ultimate user.
- H. **Dispense** means to deliver a controlled substance or legend drug other than by administering or prescribing to an ultimate user or research subject including the packaging, labeling, or compounding necessary to prepare the substance for that delivery.
- I. For the purpose of enforcement of the labeling requirements set forth in this chapter, Part 2640, Rule 1.7.B, **Dispensing Physician** means any physician who dispenses to a patient for the patient's use any controlled substance, legend drug or other medication where such medication is purchased by the physician for resale to a patient whether or not a separate charge is made. As stated in Part 2615, it is understood that Physician Assistants may not dispense medications.
- J. **Prescription Drug** or **Legend Drug** means a drug required under federal law to be labeled with the following statement prior to being dispensed or delivered; "Caution: Federal law prohibits dispensing without prescription," or a drug which is required by any applicable federal or state law or regulation to be dispensed on prescription only or is restricted to use by licensees only.
- K. **Pain Management Practice** means a public or privately-owned practice for which 50% or more of the patients are issued, on a regular or recurring basis, a prescription for opioids, barbiturates, benzodiazepines, carisoprodol, butalbital compounds, or tramadol for the treatment of chronic non-cancerous/non-terminal pain. Included in this definition is any practice that advertises and/or holds itself out to provide pain management services. Patients who are treated for pain resulting from a terminal illness do not count against the percentage stated herein.
- L. **Inpatient** means a patient in a hospital, nursing home, long term care facility, inpatient (not home-bound) hospice, or any other facility wherein medications are dispensed to a patient by a third party who is duly licensed and/or certified to dispense medications in a healthcare or related facility.

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

*Rule 1.2 Definitions.*

For the purpose of Part 2640, Chapter 1 only, the following terms have the meanings indicated:

- A. **Administer, Controlled Substances,** and **Ultimate User** shall have the same meaning as set forth in Mississippi Code, Section 41-29-105, unless the context otherwise requires.
- B. **Board** means the Mississippi State Board of Medical Licensure.
- C. **Physician** means any person licensed to practice medicine, osteopathic medicine or podiatric medicine in the state of Mississippi.
- D. **Physician Assistant** means any person meeting the requirements of licensure in the state of Mississippi as required by Part 2617, Chapter 1.
- E. **Licensee** means any person licensed by this Board who has prescriptive authority.
- F. **Prescriptive Authority** means the legal authority of a professional licensed to practice medicine in the state of Mississippi who prescribes, administer, or dispense legend drugs, controlled substances and is registered with the U. S. Drug Enforcement Administration in compliance with Title 21 CFR, Part 1301 Food and Drugs. Licensees holding or possessing certain license types and training, such as Medical Doctors (MD) and Doctors of Osteopathic Medicine (DO) for example, are conferred prescriptive authority by virtue of their training and licensure by the board.
- G. **Prescribe** means to designate or order by means of either a written or oral prescription the delivery of a controlled substance or legend drug to an ultimate user.
- H. **Dispense** means to deliver a controlled substance or legend drug other than by administering or prescribing to an ultimate user or research subject including the packaging, labeling, or compounding necessary to prepare the substance for that delivery.
- I. For the purpose of enforcement of the labeling requirements set forth in this chapter, Part 2640, Rule 1.7.B, **Dispensing Physician** means any physician who dispenses to a patient for the patient's use any controlled substance, legend drug or other medication where such medication is purchased by the physician for resale to a patient whether or not a separate charge is made. As stated in Part 2615, it is understood that Physician Assistants may not dispense medications.
- J. **Prescription Drug** or **Legend Drug** means a drug required under federal law to be labeled with the following statement prior to being dispensed or delivered; "Caution: Federal law prohibits dispensing without prescription," or a drug which is required by any applicable federal or state law or regulation to be dispensed on prescription only or is restricted to use by licensees only.
- K. **Pain Management Practice** means a public or privately-owned practice for which 50% or more of the patients are issued, on a regular or recurring basis, a prescription for opioids, barbiturates, benzodiazepines, carisoprodol, butalbital compounds, or tramadol for the treatment of chronic non-cancerous/non-terminal pain. Included in this definition is any practice that advertises and/or holds itself out to provide pain management services. Patients who are treated for pain resulting from a terminal illness do not count against the percentage stated herein.
- L. **Inpatient** means a patient in a hospital, nursing home, long term care facility, inpatient (not home-bound) hospice, or any other facility wherein medications are dispensed to a patient by a third party who is duly licensed and/or certified to dispense medications in a healthcare or related facility.

~~M. **Bariatric Medicine, Medical Weight Loss, or Weight Management Practice** means a public or privately owned practice~~

- ~~a. for which 30% or more of the patients are provided a comprehensive weight management treatment program or;~~
- ~~b. 30% or more of the patients receive any controlled substance approved by the FDA for the pharmacologic management of weight loss or;~~
- ~~c. any licensee who advertises weight loss by any means.~~

~~Excluded from this definition is any practice in which a licensee advertises the use of nonpharmacological products as part of the licensee's overall practice of medicine. In order to be excluded from this definition, the licensee's practice must have nonpharmacological weight loss and/or weight loss management as a component of the overall management of the patient's total health care. If the use of nonpharmacological products for weight loss and/or weight management exceeds 30% of the total outpatient clinic visits for any single 90-day consecutive period, the practice will be considered a bariatric medicine/medical weight loss practice and will be subject to all the rules and regulations pertaining to bariatric medicine/medical weight loss practice.~~

~~Bariatric surgeons whose primary practice is surgical weight loss and not long-term management of weight loss through medical, pharmaceutical, and/or behavioral management are also excluded from this definition.~~

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

*Rule 1.6 Bariatric Medicine, Medical Weight Loss, or Weight Management Practice*

- A. ~~No bariatric medicine, medical weight loss, or weight management practice shall operate in Mississippi unless the owner, or operator, or medical director of the facility is a Mississippi licensed physician. This licensee must meet all requirements below at all times while the facility is in operation. For the purposes of this rule, physicians who collaborate with mid-level providers will be considered an operator of the practice in the context of that collaborative arrangement.~~
- B. ~~The physician owner/operator of the bariatric medicine, medical weight loss, weight management practice must register with the MSBML using a form prescribed by the board. Only the primary physician is required to register with the Board. All licensees associated with the practice, whether in the capacity as the owner or as a practitioner, must meet all regulations governing the treatment of obesity/medical weight loss. Each practice location must be entered on the physician's online licensure gateway.~~
- C. ~~Any physician who wishes to practice bariatric medicine, medical weight loss, or weight management practice, as defined in R.1.2, may not operate in the state of Mississippi without registering with the Mississippi State Board of Medical Licensure.~~
- D. ~~Registration is valid for one year and must be renewed annually along with practitioner's license to practice medicine in the state of Mississippi.  
If a physician's practice is a bariatric medicine, medical weight loss, or weight management practice as defined above or the physician collaborates, manages, oversees, or employs any licensed professional providing comprehensive treatment of obesity, the licensee must have 100 AMA or AOA Category 1 CME in the core content of bariatric medicine or be currently certified by a board in bariatric medicine. Reference is made to exclusions noted in R.1.2 (M). Licensees must biennially obtain 60 AMA or AOA Category 1 CME in the core content of bariatric medicine prior to renewing with the Board.~~
- E. ~~A Medical Spa practice, Wellness practice, or other practice that meets the definition of Bariatric Medicine, Medical Weight Loss, or Weight Management Practice will be subject to all rules pertaining to Bariatric Medicine, Medical Weight Loss, or Weight Management Practice if the facility has a Mississippi licensee affiliated in any manner.~~

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

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

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

**OF**

**PETER ALAN KARTH, M.D.**

**CONSENT ORDER**

**WHEREAS**, Peter Alan Karth, M.D., hereinafter referred to as "Licensee," is the current holder of License No. 24816, issued March 3, 2017, for the practice of medicine in the state of Mississippi;

**WHEREAS**, on February 26, 2023, the Oregon Medical Board entered into a Stipulated Order with Licensee. The Oregon Medical Board found that Licensee had violated sections of Oregon law regarding administration of unnecessary treatment or utilizing medical services for treatment which is or may be considered inappropriate or unnecessary; conduct or practice which does or might constitute a danger to the health or safety of a patient or the public; unprofessional conduct; and willfully violating provisions which prohibit knowingly making any false statement or representation on a matter. To resolve the matter, the Oregon Medical Board levied a fine of \$10,000; required Continuing Medical Education (CME) in the areas of documentation and professionalism and ethics, in addition to other terms;

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

**WHEREAS**, 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, thereby admitting the facts and allegations set forth herein, subject to the terms, conditions and restrictions as specified below.

**NOW, THEREFORE**, the Mississippi State Board of Medical Licensure, with consent of Licensee as signified by his joinder herein, takes the following actions regarding Licensee's ability to practice medicine in the state of Mississippi, subject to the following terms and conditions:

1. Licensee must comply with all requirements set forth in the aforementioned Oregon Stipulated Order, and he must comply with any previous or subsequent requirements set forth in any other jurisdictions. Licensee shall provide proof of compliance and satisfaction of the Oregon Stipulated Order to the Board's Compliance Officer. Should the Board deem it necessary to obtain any information related to the Stipulated Order, Licensee agrees to execute any and all releases such that the Board may obtain said information.
2. Licensee shall obey all federal, state, and local laws, and all rules and regulations governing the practice of medicine. Any further violations shall result in further action.
3. Licensee understands and expressly acknowledges that, should Licensee challenge or dispute any provision or statement in this agreement during the Board approval process, this Consent Order will automatically be rendered null and void, formal charges will be brought, and this matter shall be set for a full evidentiary hearing at the convenience of the Board.
4. Licensee shall reimburse the Board for all costs incurred in relation to the pending matter pursuant to Miss. Code Ann., § 73-25-30. Licensee shall be advised of the total assessment by separate written notification and shall tender to the Board a certified check or money order made payable to the Mississippi State Board of Medical Licensure, on or before forty (40) days from the date the assessment is mailed to Licensee via U.S. Mail to Licensee's current mailing address.

5. Licensee understands that any violation of the terms of this Consent Order is a violation of Miss. Code Ann., §73-25-29(13) and shall also constitute unprofessional conduct as defined at Miss. Code Ann., §73-25-29(8).

Should the Board hereafter receive documented evidence of Licensee violating any of the terms and conditions of this Consent Order, or of any further action(s) taken related to the facts and terms stated herein 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.

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. Licensee further acknowledges that he may be required to personally appear before the Board on the scheduled hearing date to answer any questions which the Board may have. Should this Consent Order not be accepted by the Board, it is agreed that presentation to, and consideration by the Board of, this Consent Order and other documents and matters pertaining thereto, including Licensee's answers to questions, shall not unfairly or illegally prejudice the Board or any of its members from participation in any further proceedings.

Licensee understands and expressly acknowledges that this Consent Order, if approved and executed by the Mississippi State Board of Medical Licensure, shall constitute a public record of the State of Mississippi. Licensee further acknowledges that the Board shall provide a copy of this Order to, among others, the 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 rendered upon written findings of fact and conclusions of law, **Peter Alan Karth, M.D.**, nonetheless, hereby waives his right to notice and a formal adjudication of charges and authorizes the Board to enter an order accepting this Consent Order

Executed, this the 15<sup>th</sup> day of August, 2023.



**Peter Alan Karth, M.D.**

**ACCEPTED AND APPROVED** this the 13<sup>th</sup> day of September, 2023, by the Mississippi State Board of Medical Licensure.



**Michelle Y. Owens, M.D.**  
**Board President**

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

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

**OF**

**GREGORY JAMES HALL, M.D.**

**CONSENT ORDER**

**WHEREAS**, Gregory James Hall, M.D., hereinafter referred to as "Licensee," is the current holder of License No. 27246, issued December 12, 2019, for the practice of medicine in the State of Mississippi;

**WHEREAS**, on June 21, 2023, the Wisconsin Medical Examining Board, hereinafter referred to as the "Wisconsin Board," entered a Final Decision and Order, accepting the Stipulation of Licensee in regard to engaging in unprofessional conduct as defined in Wisconsin Administrative Code § Med 10.03 (2)(b), by departing from or failing to conform to the standard of minimally competent medical practice which creates an unacceptable risk to a patient or the public whether or not the act or omission resulted in actual harm to any person;

**WHEREAS**, as a part the Wisconsin Board Order, Licensee's Wisconsin medical license became Limited and was Reprimanded, and he was further required to complete six (6) hours of education on the topic of radiological classification of bone and joint and the critical findings of musculoskeletal imaging, to include at least two (2) hours of education dedicated to the Lisfranc fracture injury;

**WHEREAS**, pursuant to Miss. Code Ann. § 73-25-29 (9) (1972), the aforementioned actions by the Wisconsin Board constitute action against Licensee's ability to practice in another jurisdiction, grounds for which the Mississippi State Board of

Medical Licensure, hereinafter referred to as the "Board", may revoke the Mississippi medical license of Licensee, suspend his right to practice for a time deemed proper by the Board, place his license on probation, the terms of which may be set by the Board, or take any other action in relation to his license as the Board may deem proper under the circumstances;

**WHEREAS**, Licensee wishes to avoid a hearing before the Mississippi State Board of Medical Licensure and, in lieu thereof, has consented to certain conditions on his license to practice medicine in the State of Mississippi.

**NOW, THEREFORE**, the Mississippi State Board of Medical Licensure, with consent of Licensee as signified by his joinder herein, does hereby formally **REPRIMAND** Licensee, subject to the following terms and conditions:

1. Licensee shall complete all requirements of Wisconsin Order and provide proof of completion, to include relief of all restrictions placed on Licensee's Wisconsin medical license. Once received, Licensee's Mississippi license shall be considered unrestricted, without further Board approval.
2. 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.
3. Licensee shall reimburse the Board for all costs incurred in relation to the pending matter pursuant to Miss. Code Ann. § 73-25-30, said amount not to exceed \$10,000. Licensee shall be advised of the total assessment by separate written notification and shall tender to the Board a certified check or money order 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.

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. Licensee further acknowledges that he may be required to personally appear before the Board on the scheduled hearing date to answer any questions which the Board may have. 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, including Licensee's answers to questions, shall not unfairly or illegally prejudice the Board or any of its members from participation in any further proceedings.

Licensee understands and expressly acknowledges that this Consent Order, if approved and executed by the Mississippi State Board of Medical Licensure, shall constitute a public record of the State of Mississippi. Licensee further acknowledges that the Board shall provide a copy of this Order to, among others, the 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, 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, **GREGORY JAMES HALL, M.D.** nonetheless, hereby waives his right to notice and a formal adjudication of charges and authorizes the Board to enter an order accepting this Consent Order.

**EXECUTED**, this the 31<sup>ST</sup> day of JULY, 2023.

  
**Gregory James Hall, M.D.**

**ACCEPTED AND APPROVED** this the 13<sup>th</sup> day of September, 2023, by the Mississippi State Board of Medical Licensure.

  
**Michelle Y. Owens, M.D.**  
**Board President**

---

---

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

---

IN THE MATTER OF THE LICENSE OF  
MASSIE H. HEADLEY, M.D.

---

**ORDER GRANTING REINSTATEMENT OF LICENSE**

---

THIS MATTER came before the Mississippi State Board of Medical Licensure (“Board”) in Jackson, Hinds County, Mississippi, on September 13, 2023 upon the Petition of Massie H. Headley, M.D. (“Licensee”) for Reinstatement of his medical license (**Certificate No. 14432**) pursuant to Miss. Code Ann. Section 73-25-32.

At the hearing, Licensee was present and represented by the Honorable Timothy L. Sensing, Watkins & Eager, PLLC. The Honorable Paul Barnes served as complaint counsel for the Board, and the Honorable Stan T. Ingram served as co-complaint counsel for the Board. Assistant Attorney General Kim Turner served as legal advisor and hearing officer to the Board. A quorum of the Board members was present throughout the proceeding and deliberations.

The last formal action of the Board occurred on May 5, 2023, by which the Board suspended Licensee’s Mississippi medical license for a period of twelve (12) months by entry of a Consent Order. Said suspension was stayed after six (6) months and, if Licensee spoke or presented at two (2) physician group meetings or medical student meetings (approved in advance by the Board, including substance and content) regarding his case and the importance of honoring supervisory/oversight responsibilities of mid-level providers, he could petition for reinstatement and return to practice in as

little as four (4) months from the date of the Consent Order.

The Consent Order further conditioned Licensees reinstatement upon the following requirements:

- (1) Licensee, his wife and any family member's divestiture of all financial interest in Core Cryotherapy;
- (2) Agreement not to practice in the area of hydration therapy for the life of his practice;
- (3) Proof of attendance and successful completion of a Board-approved Continuing Medical Education course, specifically the CPEP PROBE course covering the areas of (i) Ethics, (ii) Boundaries, and (iii) Supervision of Mid-Level Providers within six (6) months of the date of the Order; and
- (4) Reimburse the Board for all costs incurred pursuant to Miss. Code Ann. Section 73-25-30.

Dr. Headley presented documentary evidence and testified he successfully completed the requirements of the Consent Order permitting him to petition for reinstatement within four (4) months of the date said Order. Specifically, Dr. Headley testified, he contacted several family medicine program directors throughout the State and coordinated with them to speak to physician groups in Ocean Springs, Greenville, Jackson and Meridian and at the Family Practice Academy meeting in Destin<sup>1</sup>. In connection with his speaking engagements, Dr. Headley prepared, and the Board approved, a power point presentation.

---

<sup>1</sup> Before Dr. Headley was called to testify, Complaint Counsel Barnes explained to the Board that, it was difficult for Dr. Headley to organize two (2) speaking engagements to the rather large audience originally contemplated by the Consent Order within the relatively short six or four month time period. Thus, Dr. Headley organized and spoke at five (5) events to smaller audiences.

Dr. Headley further testified he and his wife financially divested themselves from the cryotherapy clinic and provided proof thereof to the Board through a Bill of Sale. Dr. Headley completed the required CME courses and provided proof of his attendance and successful completion to the Board. Dr. Headley assured the Board, under oath, he would never practice in the area of hydrotherapy and was prepared to pay to the Board on this date the total cost of investigation in the amount of \$3986.06. Lastly, Dr. Headley testified he had, to the best of his knowledge, obeyed all federal and state laws during the preceding four (4) months.

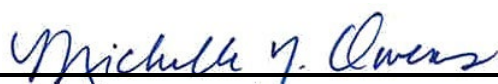
Based upon the evidence and testimony, Dr. Headley has successfully completed all requirements of the May 5, 2023 Consent Order and thus, his Mississippi medical license (**Certificate No. 14432**) should be reinstated, effective at 12:00 a.m. on September 16, 2023.

**IT IS THEREFORE ORDERED** that, Licensee's Petition for Reinstatement of his Mississippi medical license is hereby granted.

**IT IS FURTHER ORDERED**, a copy of this Final Order shall be sent by registered mail or personally served upon Massie H. Headley, M.D. in accordance with Miss. Code Ann. Section 73-25-27.

**SO ORDERED**, this the 13<sup>th</sup> day of October 2023.

**MISSISSIPPI STATE BOARD OF MEDICAL  
LICENSURE**

By:   
**Michelle Y. Owens, M.D.**  
**President**



---

---

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

---

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

**STEPHEN DERRICK SUDDERTH, M.D. (No. 17597)**

---

**FOURTH 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 this date by Stephen Sudderth, M.D., (hereinafter "Licensee") through his counsel Douglas Mercier, Esq. After consideration of the matter, the Board finds Licensee's request to be well-taken, and is hereby **GRANTED**.

**IT IS, THEREFORE, ORDERED**, that this matter is continued until November 16, 2023.

**SO ORDERED** this, the 13<sup>th</sup> day of September 2023.

**MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**

**BY:**

  
\_\_\_\_\_  
**Michelle Y. Owens, M.D.**  
**President**

---

---

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

---

IN THE MATTER OF THE LICENSE OF:

JAMES L. HOLZHAUER, M.D. (No. 11477)

---

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 this date by James L. Holzhauser, M.D., (hereinafter "Licensee") through his counsel Whit Johnson, Esq. After consideration of the matter, the Board finds Licensee's request to be well-taken, and is hereby **GRANTED**.

IT IS, THEREFORE, ORDERED, that this matter is continued until November 16, 2023.

SO ORDERED this, the 13<sup>th</sup> day of September 2023.

MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

BY:



Michelle Y. Owens, M.D.  
President

---

---

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

---

IN THE MATTER OF THE LICENSE OF:

MICHAEL LAWRENCE SANDERS, M.D. (No. 15970)

---

FOURTH ORDER OF CONTINUANCE

---

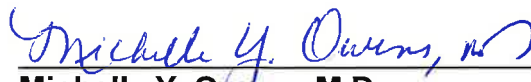
**THIS MATTER** came on regularly for consideration by the Mississippi State Board of Medical Licensure in response to a request for continuance of the hearing set for this date by Michael Lawrence Sanders, M.D., (hereinafter "Licensee") through his counsel Douglas Mercier, Esq. After consideration of the matter, the Board finds Licensee's request to be well-taken, and is hereby **GRANTED**.

IT IS, THEREFORE, ORDERED, that this matter is continued until November 16, 2023.

SO ORDERED this, the 13<sup>th</sup> day of September 2023.

MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

BY:

  
\_\_\_\_\_  
Michelle Y. Owens, M.D.

President

---

---

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

---

IN THE MATTER OF THE PHYSICIAN'S LICENSE OF  
MEHYAR HEFAZI TORGHABEH, M.D.

---

**FINAL ORDER**

---

THIS MATTER came before the Mississippi State Board of Medical Licensure ("Board") in Jackson, Hinds County, Mississippi, on September 13, 2023 pursuant to a Summons and Affidavit issued to Mehیار Hefazi Torghabeh, M.D. ("Licensee"). A quorum of Board members was present throughout the proceeding and deliberations.

Board Counsel Paul Barnes presented the charges set forth in the Affidavit. The Board introduced into evidence, without objection, exhibits marked as MSB 1 through 40. Licensee, having been properly served with Summons, was represented by Douglas G. Mercier, Esq. Licensee introduced into evidence, without objection, exhibits marked as Torghabeh 1 through 83. Assistant Attorney General Kim Turner, designated to serve as Hearing Officer, presided over the hearing and was directed to prepare this Final Order in accordance with the Board's deliberations and decision.

Based upon the evidence and testimony presented at the hearing, the Board makes the following findings of fact, conclusions of law and final order:

**FINDINGS OF FACT**

1. Licensee holds Mississippi Medical License Number 28866 issued on May 12, 2021 and current through June 30, 2024. Licensee's area of practice is

radiology and his medical practice is located in Menlo Park, California.

2. Licensee holds a probationary license to practice medicine in the state of California because he voluntarily entered into a Settlement Agreement on or about November 9, 2021. Licensee holds a restricted license to practice medicine in the state of Maryland by reason of the California Settlement Agreement.
3. Licensee holds unrestricted licenses to practice medicine in the states of Ohio, Oklahoma, New York, New Mexico, and Washington.
4. Based upon the disciplinary action taken by the Medical Board of California, as memorialized by the Settlement Agreement, the Board issued Summons<sup>1</sup> and an Affidavit, charging Licensee with unprofessional conduct pursuant to Miss. Code Ann. Section 73-25-29(8)(d) and subject to disciplinary action pursuant to Miss. Code Ann. Section 73-25-29(9) and 73-25-83(a).
5. On April 5, 2021, Licensee submitted his Mississippi MD Permanent Application to the Board. (Torghabeh at 002–009). Licensee answered “yes” and provided the same explanation in response to the following questions:
  - a. Have your staff privileges at any hospital or health care facility been revoked, suspended, curtailed, limited, or placed under conditions restricting your practice” and provided an explanation;
  - b. During any postgraduate training were you ever on probation,

---

<sup>1</sup> At the onset of the hearing, Board Counsel advised the Board that the Summons issued incorrectly stated Licensee was “guilty of having a conviction of a felony or misdemeanor involving moral turpitude.” (Tr. at p. 97).

restrictions, suspension, revocation, modification, or otherwise acted against; and

- c. To your knowledge, have you ever been or are you now, the subject of an investigation or disciplinary proceeding by any licensing Board/Agency as of the date of this application.

- 6. Licensee explained his answer to the preceding application questions in relevant part as follows:

In January 2019 as a junior diagnostic radiology resident, I received approval for and used Geisinger graduate education funds to attend a medical conference in Hawaii. I used these funds as part of my travel to and stay [on] a different island and did not attend the conference. I had initially intended to attend the conference and booked a hotel [on] one of the islands under the false assumption that there was reliable transportation from there to the island where the Conference was held. I did not do prior research to confirm that I would be able to commute from one island to the other. It was only upon arrival in Hawaii when I realized that no such method of transportation existed and that I must board a plane for each round of commute. I am responsible for this mistake and I have been embarrassed and sorry for that ever since. This was not a premeditated scheme and I am truly sorry for that. As a result of my actions, an investigation was conducted by the former Program Director (Dr. Anne Dunne) and Associate Program Director (Dr. Dillenia Rosica) with Geisinger graduate medical education and the residency clinical competency committee. The clinical competency committee voted not to pursue termination, but I was given suspension with pay and benefits for 5 days and returned from suspension on probation until June 30, 2019. There were also several stipulations to my return, including immediate dismissal from the program for any subsequent professional or ethical infraction through graduation. In March 2019 after my return from suspension and consistent academic and professional improvements, I had a conversation with Dr. Dunne and Dr. Rosica, both of whom assured me this incident was considered an "internal matter" and did not need to be reported for licensing purposes. I have attached an email documenting that conversation. Based on that guidance, I did not disclose this information to the Medical Board of California. My intention was never to deceive or conceal the incident in any way. . . I have discussed all of this with my current Program Director and Vice Chair of Education, Dr. David Pryluck, who was unaware of the assurance of former Program Director and former Associate Program Director had given me about reporting this incident for licensing

matters when he completed his attestation on my behalf for the Medical Board of California. Dr. Pryluck has graciously offered to advocate on my behalf . . .

(Torghabeh at 004-006, 016; Tr. at pp. 107 – 112).

7. By email correspondence, Licensee twice updated the Board first, about the decision of the Medical Board of California to issue a probationary license and thereafter, of the decision of the Maryland State Board of Physicians to likewise issue a probationary license contingent upon the stipulations of the California Settlement Agreement. (Torghabeh at 017, 032; Tr. at pp. 115-116).
8. Licensee testified that, pursuant to California law, the term of probation imposed by the Settlement Agreement may be terminated at the two (2) year anniversary because he is in good standing and has been compliant and/or satisfied the terms and conditions of said Agreement. (Torghabeh at 014; Tr. at p. 116).

### **CONCLUSIONS OF LAW**

1. The Board was created and established pursuant to Miss. Code Ann. Section 73-43-1 and is charged with the duty of licensing and regulating the practice of medicine in the State of Mississippi pursuant to Miss. Code Ann. Sections 73-25-1, *et. seq.*
2. The Board is authorized to license and regulate persons who apply for or hold a medical license and prescribe conditions under which persons may practice to protect the public health, safety, and welfare.
3. The Board has personal and subject matter jurisdiction pursuant to Miss. Code Ann. Sections 73-25-29 and 73-25-83(a). Venue is likewise proper at the Board's

office in Hinds County, Mississippi.

4. The proceedings were duly and properly convened, and all substantive and procedural requirements under law were satisfied.

5. Pursuant to Section 73-25-29(8)(d), unprofessional conduct includes, but is not limited to, being guilty of any dishonorable or unethical conduct likely to deceive, defraud or harm the public.

6. The board has the authority to discipline a physician licensed or otherwise lawfully practicing within this state who, after a hearing, has been adjudged by the board as unqualified by reason of unprofessional conduct.

7. The Board also may suspend, revoke or restrict a license based upon a restriction imposed on a license by a licensing authority which prevents or restricts practice in that jurisdiction. A certified copy of the disciplinary order or action taken by the other state or jurisdiction constitutes prima facie evidence thereof, notwithstanding the pendency of any appeal. *Miss. Code Ann. 73-25-29(9)*.

8. The Board finds the evidence presented at hearing insufficient to establish unprofessional conduct as defined by Section 73-25-29 and further finds, Licensee fully disclosed the restrictions imposed by both the California and Maryland licensing authorities prior to and after the issuance of a license to practice medicine in the state of Mississippi.

**NOW, THEREFORE, IT IS HEREBY ORDERED** that, the Affidavit is hereby dismissed, with prejudice. Without the necessity of further action, Licensee shall continue to hold 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,

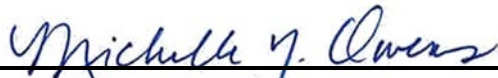


a copy of this Order shall be sent by registered mail or personally served upon Mehیار Hefazi Torghabeh, M.D.

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

**SO ORDERED**, this the 13<sup>th</sup> day of September 2023.

**MISSISSIPPI STATE BOARD OF  
MEDICAL LICENSURE**

By:   
\_\_\_\_\_  
**Michelle Y. Owens, M.D.**  
**President**

---

---

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

---

IN THE MATTER OF THE PHYSICIAN'S LICENSE OF  
FATIMA YOUSEF HUSSEIN, M.D.

---

**FINAL ORDER**

---

THIS MATTER came before the Mississippi State Board of Medical Licensure ("Board") in Jackson, Hinds County, Mississippi, on September 13, 2023 pursuant to a Summons and Affidavit issued to Fatima Yousef Hussein, M.D. ("Licensee"). A quorum of Board members was present throughout the proceeding and deliberations.

Board Counsel Paul Barnes presented the charges set forth in the Affidavit. The Board introduced into evidence, without objection, exhibits marked as MSB 1 through 7, 16 through 22, and 24 through 61. Licensee, having been properly served with Summons, was represented by Douglas G. Mercier, Esq. Licensee introduced into evidence, without objection, exhibits marked as Hussein 1 through 19. Assistant Attorney General Kim Turner, designated to serve as Hearing Officer, presided over the hearing and was directed to prepare this Final Order and Reprimand in accordance with the Board's deliberations and decision.

Based upon the evidence and testimony presented at the hearing, the Board makes the following findings of fact, conclusions of law and final order:

FINDINGS OF FACT

1. Licensee holds Mississippi Medical License Number 29421, current

through June 30, 2023. Licensee has been in practice for almost twenty-five (25) years and holds an active license in all fifty (50) states and the District of Columbia. She has no malpractice history.

2. Though licensed in the state of Mississippi, Licensee lives in Maryland; she is not physically present in Mississippi.
3. Licensee primarily practices telemedicine and has served as a collaborating physician in four (4) states: Mississippi, North Carolina, Oklahoma, and Florida.
4. On or about November 17, 2021, Licensee entered into a Collaboration Practice Agreement with APRN Erica Horton, to operate at Resilient Hope Hydration Lounge, an intravenous hydration therapy clinic located in Columbus, Mississippi.
5. On or about April 26, 2022, the Board received a complaint from the Mississippi Board of Nursing which alleged unprofessional conduct against Licensee by reason of a mid-level collaboration violation based upon a site visit of APRN Horton at the Resilient clinic in Columbus.
6. At the time of the site visit, APRN Horton told the investigator that there were no medical records for patients which supported a diagnosis for IV hydration and could not produce signed AU/AI plans as required by applicable law<sup>1</sup>. APRN Horton later produced both medical records and signed QU/QI plans to the Board of Nursing.

---

<sup>1</sup> At hearing, Licensee disagreed with the findings of the Board of Nursing stating that, “there definitely was workup, there definitely was physical. We did ask for laboratory studies; we did have a protocol.” She explained that, at the time of the site visit, APRN Horton was working at a different job and was unable to produce the documentation at that time. (Tr. at p. 50).

7. In addition, patient records reviewed in connection with the site visit revealed patients were seen for treatment at the Rezilient clinic prior to its approval as a practice site by the Board of Nursing as required by Rule 1.2(D)(2), Miss. Admin. Code Pt. 2840.
8. By virtue of an Agreed Settlement Proposal, APRN Horton admitted the evidence was sufficient to establish a violation of Miss. Code Ann. Section 73-15-29(1)(f) and agreed to a formal reprimand, imposition of a \$500.00 fine, and the completion of four (4) board-approved courses as conditions to her continued licensure as a nurse in the state of Mississippi.
9. During its own investigation, this Board discovered Licensee failed to produce a protocol for approval by the Board, which is required when a physician plans to collaborate with a mid-level practitioner in locations beyond seventy-five (75) miles from the supervising physician.
10. The Board initiated this action against Licensee by the filing of an Affidavit which alleged Licensee was a collaborating physician and had been supervising a mid-level practitioner for approximately five (5) months without first submitting the required protocol to the Board for approval. By the Affidavit, the Board charged Licensee with unprofessional conduct as defined by Rule 1.9, 30 Admin. Code Pt. 2630, in violation of Miss. Code Ann. Sections 73-25-29(8)(d), (13), and 73-25-83(a).
11. Licensee admits she entered into a collaboration agreement with APRN

Horton and failed to submit a protocol to the Board for approval prior to the commencement of patient care as required for physicians collaborating with an APRN in locations beyond seventy-five (75) miles.

12. Licensee apologized to the Board and explained, “that in most states, the requirements for collaboration are listed under the Nursing Board; however, in Mississippi, these guidelines are listed in the Medical Board section.” (MSB 036). Furthermore, she employed an agent who she entrusted with ensuring her compliance with all states’ laws and regulations.

### **CONCLUSIONS OF LAW**

1. The Board was created and established pursuant to Miss. Code Ann. Section 73-43-1 and is charged with the duty of licensing and regulating the practice of medicine in the State of Mississippi pursuant to Miss. Code Ann. Sections 73-25-1, *et. seq.*

2. The Board is authorized to license and regulate persons who apply for or hold a medical license and prescribe conditions under which persons may practice to protect the public health, safety, and welfare.

3. The Board has personal and subject matter jurisdiction pursuant to Miss. Code Ann. Sections 73-25-29 and 73-25-83(a). Venue is likewise proper at the Board’s office in Hinds County, Mississippi.

4. The proceedings were duly and properly convened, and all substantive and procedural requirements under law were satisfied.

5. Pursuant to Rule 1.3, 30 Miss. Admin. Code Pt. 2630,

[p]hysicians who wish to collaborate must add the APRN to his/her file via the Medical Enforcement and Licensure System (MELS) Online Licensure Gateway, or its successor, prior to the commencement of patient care under the agreed protocol and must submit all required information regarding the collaboration to the Board. Physicians who collaborate with an APRN who either will be on-site with the physician or within seventy-five (75) miles are not required to submit the formal documentation (i.e., the protocol) to the Board for approval.

6. Pursuant to Rule 1.4, 30 Miss. Admin. Code Pt. 2630,

[p]hysicians who plan to collaborate with APRNs in locations beyond seventy-five (75) miles from the physician, known as Extended Mileage Collaboration, must submit the protocol for approval prior to the commencement of patient care under the protocol. . . .

The facts and matters to be considered by the Board regarding any collaborative relationship shall include, but are not limited to, how the collaborating physician and APRN plan to implement the protocol, compatibility of practice (e.g., specialty compatibility or day-to-day practice differences), the method and manner of collaboration, the availability of backup coverage, consultation, and referral.

7. Any violation of these administrative rules constitutes unprofessional conduct in violation of Miss. Code Ann. Section 73-25-29(8). *30 Admin. Code Pt. 2630 R. 1.9.*

8. Pursuant to Miss. Code Ann. Sections 73-25-29, 73-25-83 and 73-25-87, the Board may discipline a physician licensed or otherwise lawfully practicing within this state who, after a hearing, has been found by the Board to have violated any provisions therein. Such disciplinary action includes, but is not limited to, the issuance of a public or private reprimand, suspension or revocation of his/her license, and required participation in a program of education prescribed by the Board. Miss. Code Ann. Section 73-25-87.

9. Based upon the clear and convincing evidence, the Board finds Licensee violated Rules 1.3 and 1.4 and is guilty of unprofessional conduct pursuant to Rule

1.9, all in violation of Miss. Code Ann. Section 73-25-29(8)(d).

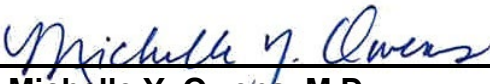
**NOW, THEREFORE, IT IS HEREBY ORDERED** that, Fatima Yousef Hussein, M.D., holder of Mississippi Medical License Number 29421, is hereby **REPRIMANDED**.

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

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

**SO ORDERED**, this the 13<sup>th</sup> day of September 2023.

**MISSISSIPPI STATE BOARD OF  
MEDICAL LICENSURE**

By:   
Michelle Y. Owens, M.D.  
President

---

---

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

---

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

**COSMIN DOBRESCU, M.D. (No. 31340)**

---

**SECOND 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 this date made by Cosmin Dobrescu, M.D. (hereinafter "Licensee"). After consideration of the matter, the Board finds Licensee's motion to be well taken.

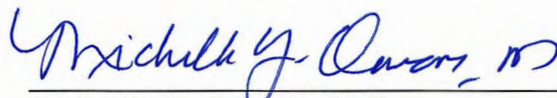
**IT IS FURTHER ORDERED**, that pending the hearing on this matter, the Order of Temporary Suspension issued by the Board on July 24, 2023, shall remain in full force and effect.

**IT IS THEREFORE, ORDERED**, that this matter is continued until a disposition has been finalized by the Alaska State Medical Board.

**SO ORDERED**, this the ~~14<sup>th</sup>~~  
13<sup>th</sup> day of September, 2023.

**MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**

BY:



**Michelle Y. Owens, M.D.  
President**