

***MISSISSIPPI STATE BOARD  
OF  
MEDICAL LICENSURE***



***ANNUAL REPORT***

*June 30, 2010*

# **MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**

## **ANNUAL REPORT**

**JULY 1, 2009 THROUGH JUNE 30, 2010**

The Mississippi State Board of Medical Licensure is the state's legally constituted licensure board for allopathic physicians (M.D.s), osteopathic physicians (D.O.s), podiatrists (D.P.M.s), physician assistants (P.A.s), radiologist assistants (R.A.s), and as of July 1, 2009, acupuncturists (L.Ac.s). The Board is responsible for setting and enforcing policies and professional standards regarding the practice of medicine, podiatric medicine and acupuncture; considering applications for licensure; conducting licensure interviews; investigating legitimate drug traffic among medical practitioners under the state's Uniform Controlled Substances Act; conducting hearings on disciplinary matters involving violations of the state's Medical Practice Act; and keeping up-to-date records on all licensed physicians, podiatrists, physician assistants, radiologist assistants, and acupuncturists in the state. The Board is also charged with the duty of permitting those individuals who apply ionizing radiation in a physicians office, radiology clinic or a licensed hospital in Mississippi under the specific direction of a licensed practitioner.

The Board is composed of nine physicians (M.D.s and D.O.s) appointed by the Governor. Three physicians are nominated to the Governor by the Mississippi State Medical Association for each appointive position of the State Board of Medical Licensure. Currently, the Board has bi-monthly meetings in the Medical Board conference room located at 1867 Crane Ridge Drive, Suite 200-B, Jackson, Mississippi 39216. Specific meeting dates and times are located on the Board's website at [www.msbml.ms.gov](http://www.msbml.ms.gov).

The administrative functions of the Board are performed under the direction of Executive Director, H. Vann Craig, M.D. The Board has two divisions, Licensure and

Investigative. The Licensure division consists of four employees overseen by a Bureau Director who is also responsible for the accounting, personnel and IT departments, which have a total of seven employees. The Licensure division is responsible for credentialing and maintaining all licensees in the state.

The Investigative division consists of ten employees plus a Bureau Director. The division is comprised of eight investigators, four of which work in decentralized offices. The Investigative division is responsible for ensuring a physician is accountable for their actions.

## **LICENSURE DIVISION**

Any physician, podiatrist, physician assistant, radiologist assistant, or acupuncturist desiring to practice in Mississippi must first obtain a license to do so by completing an application for licensure. An allopathic physician, osteopathic physician or podiatrist may apply for license by utilizing the Board's online application system. All of the physician's application information can be entered online and submitted to the Board with their electronic payment. Currently, physician assistants, radiologist assistants, and acupuncturists must download a manual application from the Board's website and submit it along with a check or money order. Board staff begins processing the application immediately upon receipt. Based upon the information given by the practitioner, a determination is made as to their eligibility for licensure.

Queries for physician applications are made to the American Medical, Osteopathic, or Podiatric Medical Associations; other states in which the practitioner is or has been licensed; National Practitioners Data Bank; Federation of State Medical Boards; and

hospitals where the practitioner holds or has held staff privileges. This process takes from four to six weeks depending upon the amount of information to be submitted regarding the applicant. The majority of the information required for processing an application is being submitted via the Internet or by other electronic means. The Board has implemented an imaging system which allows the staff to scan in physician information instead of manually filing in a paper licensure file. The electronic information is more easily accessible by others in the office and documents are less likely to be lost and/or misplaced once they are stored in the system. Upon documentation of required information and approval, the applicant is notified to schedule their personal appearance, background check and jurisprudence examination.

During the implementation period of the online application and document-scan procedure, processing time increased from four to six weeks to four to six months. However, once the Project Officers became familiar with the system and understood the process, processing time has returned to four to six weeks.

The Board performs background checks on all new licensees, with the exception of radiologist assistants and acupuncturists. The background check begins when the applicant appears for their personal appearance and jurisprudence examination. The applicant's fingerprints are scanned into a database and submitted to the Mississippi Criminal Investigatory Center (CIC) who then forwards the fingerprints to the Federal Bureau of Investigations (FBI). A report is then returned to the Board, usually within 48 hours. If the report is returned with no record of action, the applicant is issued their Mississippi license number; however, if the report reveals an arrest history, additional information is requested and the issuance of the license is delayed.

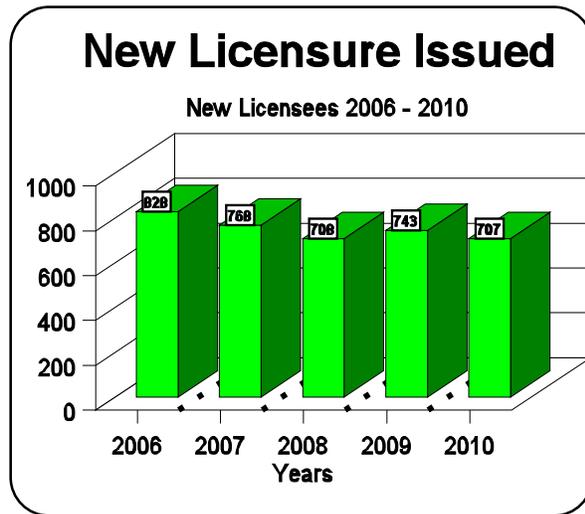


Figure 1.

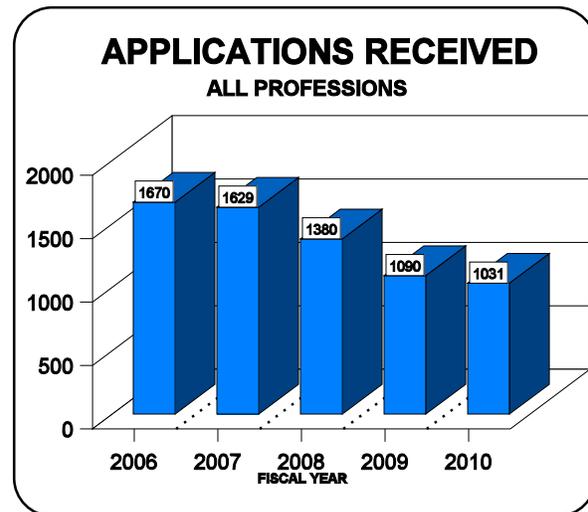


Figure 2.

During the year ending June 30, 2010, 707 new licenses and permits were issued in Mississippi. This was a slight decrease over the year 2009 which follows decreases in 2007; however, new licenses issued has remained fairly constant since 2007 as shown in Figure 1. Figure 2 shows a decrease in applications received of approximately 26% over the last five years. It appears that new individuals are not coming to Mississippi. However, as will be seen later in the report, the number of physicians licensed in Mississippi has steadily increased over the last five (5) years which indicates that previously licensed physicians are returning to Mississippi.

Physicians applying for hospital staff memberships or licensure in another state or jurisdiction request certifications/verifications to be sent to the designated entity. During the year ending June 30, 2010, 3,141 verifications were submitted to hospitals for credentialing purposes (Figure 3.) The Board implemented an online fee-based verification system in FY 2010. This system allows any entity or individual desiring a verification of a physician's medical license to request it electronically and instantly from the Board's

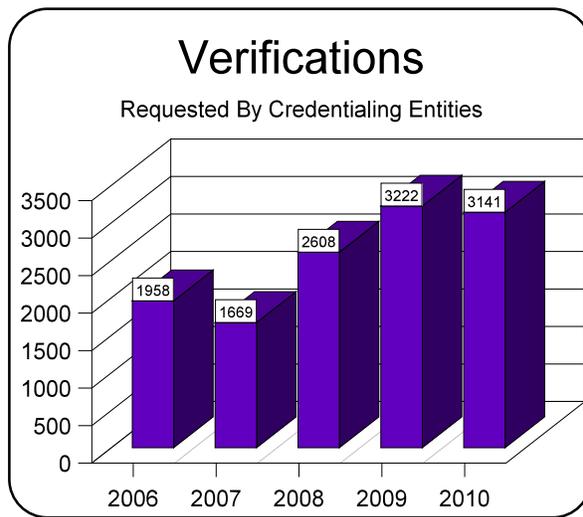


Figure 3.

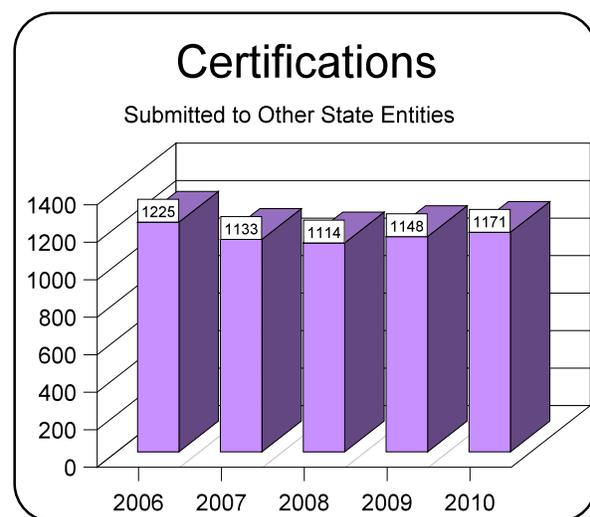


Figure 4.

website. Individuals may search for the physician (M.D., D.O., D.P.M.) they would like to verify. Once they verify the correct individual and select payment option for the \$25 verification fee plus convenience fee charged by the credit card company, the requester will receive an email with a link to the verification and any attachments it may have.

Figure 4 shows 1,171 certifications were submitted to other state regulatory boards. The Board uses an electronic system called VeriDoc which allows physicians to purchase a verification of their Mississippi medical license and it will automatically be transmitted via email to the designated state medical board. This system has saved on cost of printing and mailing certifications to other boards as well as processing time for board staff. This has allowed other states to receive the physicians' Mississippi licensure verification instantly instead of going through the U.S. Postal service.

During the fiscal year ending June 30, 2010, the Board processed 9,406 annual renewals for Mississippi licenses and permits. Of the 9,406 renewals, 372 were reinstatements during fiscal year 2010. The renewal process consists of Board staff

mailing a notice of renewal to all individuals currently licensed in Mississippi. Physicians are offered two ways in which to renew their medical license. They may renew on-line or print a renewal form from the Board's website. If the physician submits a paper renewal

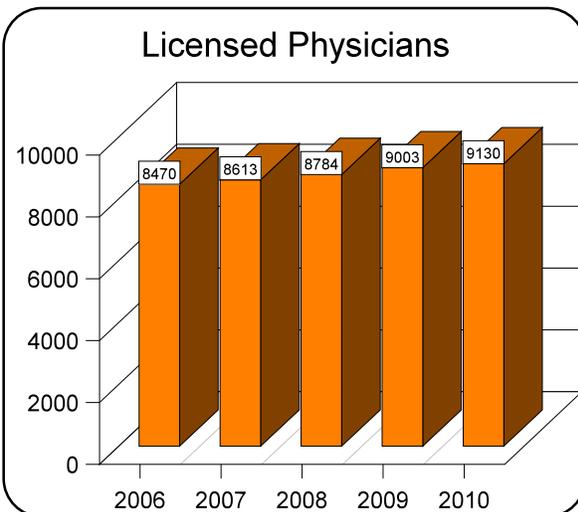


Figure 5.

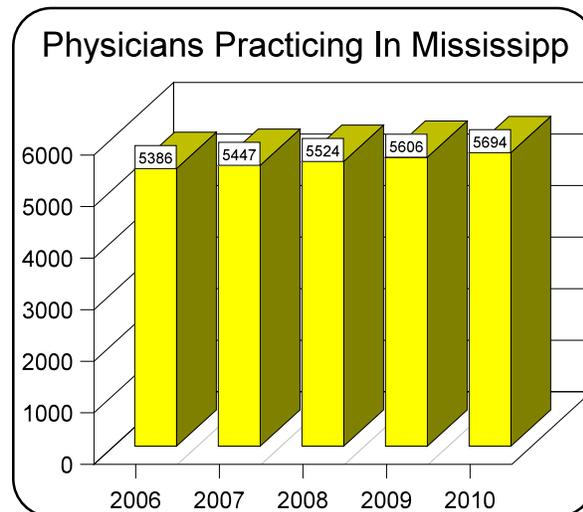


Figure 6.

form, Board staff opens and processes each renewal individually. The on-line renewal system allows physicians to access their renewal information via the Internet and enables them to update and pay their renewal fee without submitting any paperwork to the Board. At the end of July 2010, 96% of the Board's renewals had been processed on-line. The on-line renewal process has greatly reduced the time required to process renewals and eliminated the need to hire contract workers to assist in the process.

There are 9,130 currently licensed physicians in Mississippi. Of the 9,130 licensed physicians, 5,694 indicate they are practicing medicine in Mississippi. Figure 5 shows the overall number of physicians licensed in Mississippi has gradually increased over the last five years. Figure 6 shows a slight increase of physicians practicing medicine in Mississippi since 2006.

In compliance with Mississippi Code (1972) Annotated, Section 41-58-1 through

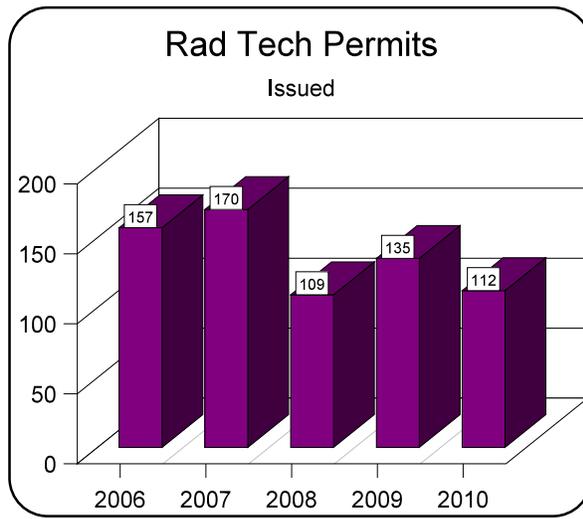


Figure 7.

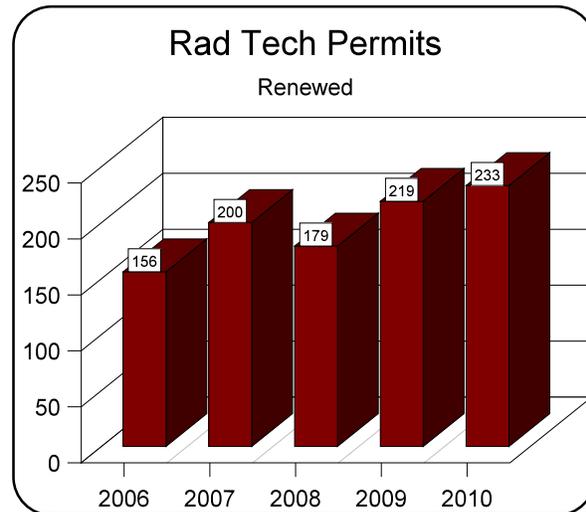


Figure 8.

Section 41-58-5, the Licensure Division continued tracking continuing education requirements for radiologic technologists and others employed in a physician's office who perform x-rays under the specific direction of a physician. Radiologic technologist permits are issued to those individuals whose certificate of completion of required courses has been received by the Board of Medical Licensure. This requirement is an on-going process of the Licensure Division. During the fiscal year ending June 30, 2010, the Board issued 112 radiologic technologist permits and renewed 233 permits (Figures 7 and 8).

Pursuant to Mississippi Code (1972) Annotated, Section 93-11-153, the Board of Medical Licensure has entered into a Memorandum of Understanding with the Mississippi Department of Human Services to track and report the names of licensees licensed by this Board in order to assist in tracking professional licensees who are delinquent in child support. An updated report is presented to the Department of Health and Human Services on a monthly basis, or more often if requested.

The Licensure Division responds to thousands of telephone calls each year from the public as well as other licensing/regulatory agencies regarding the status of a physician's

license. The Licensure Division submits certified documentation of physician licensure information to other state boards upon request by the physician, and responds to requests for laws, rules and regulations pertaining to physicians in this state. The Licensure Division is responsible for filing all rules and regulations of the Board with the office of the Secretary of State in compliance with the Administrative Procedures Act. Physicians are also able to download licensure requirements, laws, rules and regulations, application packets, past newsletters and statistical information from the Board's website at [www.msbml.state.ms.us](http://www.msbml.state.ms.us). Figures 9 through 12 represent some of the statistical data available via the Board's website.

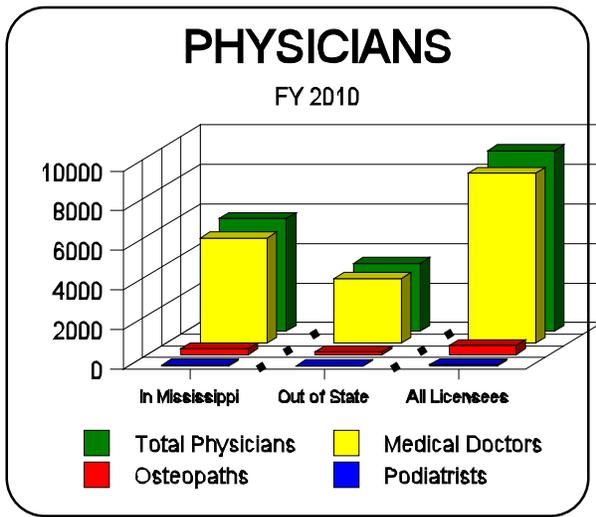


Figure 9.

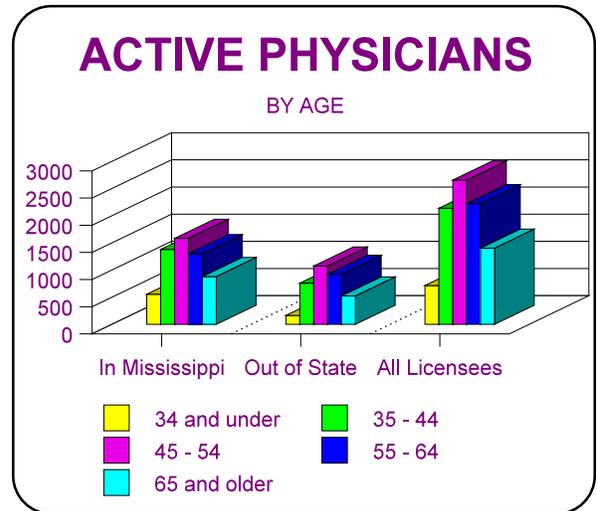


Figure 10.

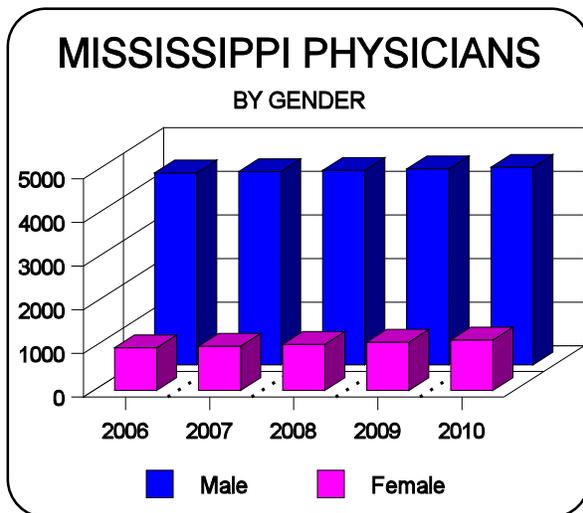


Figure 11.

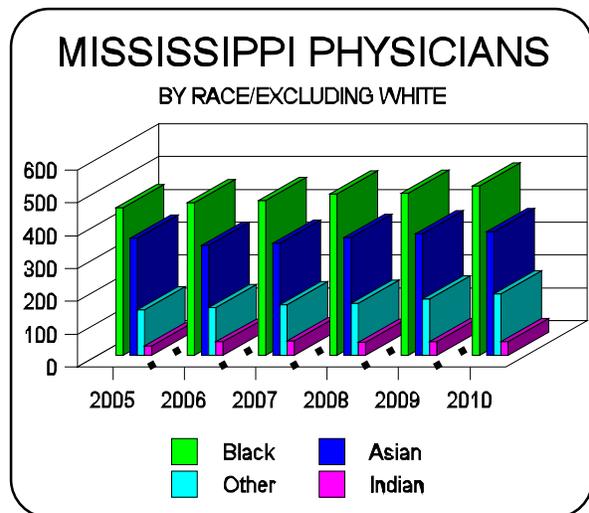


Figure 12.

## INVESTIGATIVE DIVISION

Under the direction of the Executive Director, the Investigative Division of the Board carries out the responsibilities of investigating potential violations of the Medical Practice Act and the Mississippi Uniform Controlled Substances Act as it applies to physicians, podiatrists, radiologist assistants, physician assistants and acupuncturists.

The Investigative Bureau Director has supervisory responsibility for seven field investigators (three of whom work in decentralized offices in the northern and southern areas of the state), one nurse inspector, one special projects officer, and one administrative assistant. The investigators are responsible for making inquiries concerning all valid complaints of violations of the Medical Practice Act or Rules and Regulations of the Board. These complaints may involve prescribing issues, professional boundary violations, competency questions, practicing medicine and/or assisting an unlicensed person to practice medicine, or compliance violations of existing Board Orders.

The Investigative staff conducts pharmacy profiling and monitors the “legitimate” or pharmaceutical drug traffic among physicians, podiatrists and physician assistants. The pharmacy profiles help determine if a licensee of the Board is prescribing suspicious quantities of controlled substances and identify possible unlawful diversions of drugs by “doctor shopping” patients and other suspicious circumstances. Legislation passed by the Mississippi Legislature in the 2010 Regular Session combats the manufacture and sale of methamphetamine by providing statewide tracking of ephedrine and pseudoephedrine. This law restricts the over-the-counter purchase and sale of these drugs and changes them

from non-prescription drugs to Schedule III controlled substances which require a prescription for dispensing. The pharmacy profiles by the Investigative staff of the Board can determine if a licensee of the Board is prescribing suspicious quantities of controlled substances such as pseudoephedrine and help identify possible unlawful diversion of drugs by “doctor shopping” patients and other suspicious circumstances.

In accordance with Mississippi Code (1972) Annotated, Section 73-21-127, it is mandatory that all dispensing practitioners within the state of Mississippi report their dispensing activities to the Mississippi Board of Pharmacy’s Prescription Monitoring Program at least once every 7 days. According to the Board of Medical Licensure’s regulations, a “Dispensing Physician” (any physician who shall dispense 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) is allowed to operate in this state and will be monitored for compliance by the Investigative staff.

The Board investigates cases involving fraud in the procurement of a license; convictions of crime; incompetence; negligence; malpractice; substance abuse; the improper handling of controlled substances; sexual relations between licensees and patients; and assisting the unauthorized practice of medicine. Upon the determination of need to pursue disciplinary action, the Board’s investigators assist the Board’s complaint counsel in case preparation by conducting interviews; performing analysis of patient records and pharmacy profiles; and serving Administration Inspection and Search Warrants, and subpoenas and summonses. Further, investigators often assist other state

and federal regulatory or law enforcement agencies in investigations involving licensees of the Board.

During the fiscal year ending June 30, 2010, the Investigative Division received and processed 331 complaint cases (Figures 13 and 14.) Two hundred and eleven cases were closed. Table 1 shows the different classifications of complaints. The majority of complaints fall into the “unprofessional conduct” category. Unprofessional conduct accounts for medical record issues, sexual boundary, domestic violence complaints along with disruptive behavior by the physician. On average, it took 60 calendar days to close or refer complaints that did not proceed to adjudication. From these complaints, the Board rendered 23 disciplinary actions which consist of licensure suspension, surrenders, and prohibitions that were delivered through the Consent Order process. This eliminated the need of licensees to personally appear before the Board for hearings.

The Investigative staff made 482 field/office investigative visits to various entities, including visits to hospitals, physicians’ offices, law enforcement offices, pharmacies, homes of patients, witnesses, etc. In addition to the aforementioned field/office visits for investigative purposes, there were 28 visits made to physicians to monitor compliance with Board Orders, Board Rules and Regulations, prescribing laws, etc. The Investigative staff also reviewed/examined the Continuing Medical Education (CME) of 28 licensees to ensure compliance with the Board’s CME requirements.

Part of the investigative process entails written correspondence between the physician, the complainant, and the Board. The Investigative staff, with the oversight of the

<b>TABLE 1</b>		
<b>CATEGORY I</b>	<b>IMPAIRMENT</b>	<b>Total</b>
	substance abuse	27
	mental illness	6
	physical disability	4
<b>CATEGORY II</b>	<b>COMPETENCY</b>	
	malpractice/negligence	12
<b>CATEGORY III</b>	<b>PRESCRIBING</b>	
	inventory/accountability	64
<b>CATEGORY IV</b>	<b>FELONY/MISDEMEANOR</b>	
	arrest	8
	conviction	1
<b>CATEGORY V</b>	<b>UNPROFESSIONAL CONDUCT</b>	
	action by other jurisdiction	2
	medical records	27
	sexual boundary	10
	workers comp	3
	disruptive physicians	20
	license surrendered	1
	medicare/medicaid fraud	7
	EC referral	1
	billing dispute	16
	substandard care	81
	misleading advertising	3
	patient abandonment	10
	MPHP referral	9
	other	26
<b>CATEGORY VI</b>	<b>NON-LICENSE</b>	22

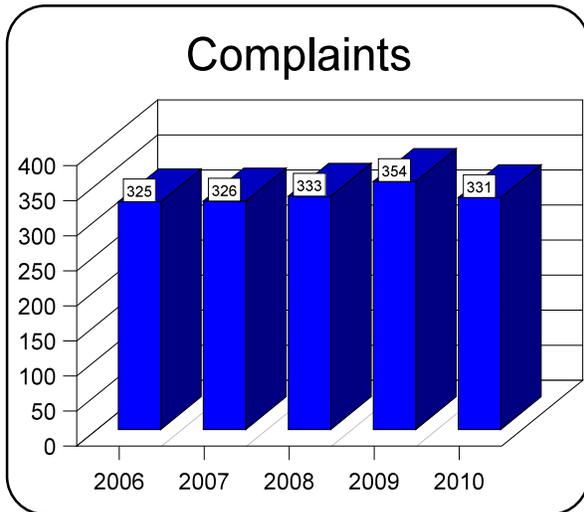


Figure 13.

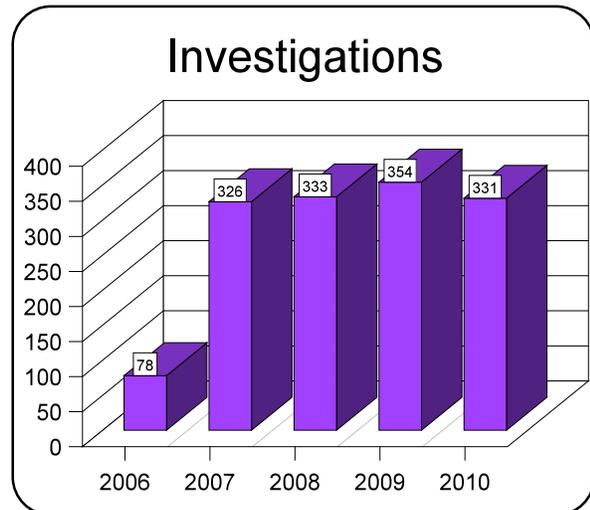


Figure 14.

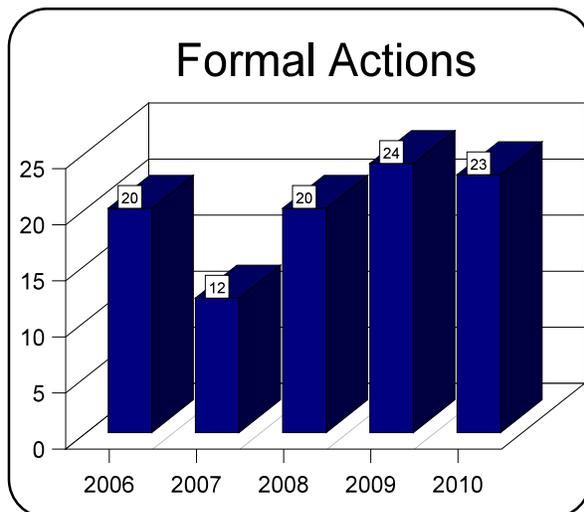


Figure 15.

Executive Director, formulated and mailed 209 letters to complainants and 593 letters to licensees advising them of the status of the complaint and/or the resolution of the matter.

There was one Administrative Inspection and Search Warrant served upon a physician in order to compel the production of patient medical records. Three Summons and Affidavits for licensees to appear for hearings before the Board were served by the Investigative staff. Seventeen subpoenas were served by the Investigative staff for witnesses to appear at Board hearings or to provide medical records.

The Board entered into 15 non-disciplinary recovery contract agreements with licensees participating in the Mississippi Professionals Health Program (MPHP). The Investigative staff collected 145 random urine specimens from these participants as part of their monitoring process with the Board. Although most licensees enter the recovery program on a voluntary basis, the Investigative Division was responsible for referring seven licensees to this program. Some licensees are monitored when there are competency questions regarding their clinical skills, or a mental or physical disability which would impede or prohibit their ability to safely practice. When such questions arise, the Board refers these individuals to an Examining Committee of the Mississippi State Medical Association for evaluation purposes. The Board made 18 such referrals.

The Investigative Division's Special Projects Officer received and processed 200 requests for license verifications and certifications; nine public record requests; composed and mailed 38 letters in regard to licensees' compliance with the Mississippi Professionals Health Program (MPHP); and drafted 15 Consent Orders for consideration by licensees in violation of previous Board orders, Board rules and regulations, the Medical Practice Act,

etc.

During FY 2010, the Nurse Inspector reviewed all collaborative practices of physicians and Advanced Practice Registered Nurses (APRN) operating free standing clinics (clinics more than 15 miles away from the primary offices of the supervising physicians) in the state of Mississippi. Ninety clinics were renewed during this period. Fourteen free standing clinic applications were requested from physicians. Seventeen free standing clinics were approved for FY 2010. Of the seventeen approved clinics, three applications were requested from physicians during FY 2009. Eleven clinics were found to be operating without approval by the Board. The nurse inspector made 26 site visits to clinics to review the collaborative agreements between physicians and APRN(s), per Chapter 09 Collaboration/Consultation with Nurse Practitioners of the Board's regulations. These figures do not include the clinics that are under the Mississippi State Department of Health and the Department of Mental Health.

**INCOME AND EXPENSES**

All income for the Board is derived from fees collected for the annual renewal of licenses, applications for licensure, USMLE Step 3 licensure examinations, radiological technology permits, certifications of license to other states, investigative recovery costs, copy costs and various small fees relating to licensure. Expenses are shown for major object codes as reflected on the budget request for fiscal year ending June 30, 2010. Attached is a report of the FY 2010 income and expenses for the Board of Medical Licensure.

**Mississippi State Board of Medical Licensure**  
**Fiscal Year 2010 Income and Expenses**  
As of August 31, 2010

Category	Budget Allotment	Current Y-T-D		Unobligated Allotment	
		Total	Encumbered	Balance	Percent Unused
Personal Services					
Salaries	1,373,882.00	1,169,521.78		204,360.22	14.87%
Travel	29,000.00	19,114.00		9,886.00	34.09%
Contractual Services	501,367.00	392,333.61	0.00	109,033.39	21.75%
Commodities	54,825.00	34,702.99	0.00	20,122.01	36.70%
Equipment	57,600.00	57,090.00	0.00	510.00	0.89%
Subsidies, Loans and Grants	<u>200,000.00</u>	<u>200,085.47</u>		<u>-85.47</u>	<u>-0.04%</u>
<b>Total:</b>	<b>2,216,674.00</b>	<b><u>1,872,847.85</u></b>	<b>0.00</b>	<b><u>343,826.15</u></b>	<b>15.51%</b>

Revenue Collected in 2010:	2,253,755.89
- Y - T - D Expenditures:	<u>1,872,847.85</u>
2010 Balance	<u><u>380,908.04</u></u>

