

**BOARD MINUTES**  
**MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**  
**MARCH 16, 2017**

The regularly scheduled meeting of the Mississippi State Board of Medical Licensure was held over a two day period, Wednesday, March 15 and Thursday March 16, 2017, in the Board Room of the Office of the Board located at 1867 Crane Ridge Drive, Jackson, Mississippi.

The following members were present:

Charles D. Miles, M.D., West Point, President  
Virginia M. Crawford, M.D., Hattiesburg, Vice President  
Claude D. Brunson, M.D., Jackson, Secretary  
S. Randall Easterling, M.D., Vicksburg  
C. Kenneth Lippincott, M.D., Tupelo  
David W. McClendon, Jr., M.D., Ocean Springs  
Michelle Y. Owens, M.D., Jackson  
J. Ann Rea, M.D., Summit

Also present:

John K. Hall, M.D., J.D., Executive Director  
Stan T. Ingram, Complaint Counsel for the Board  
Ellen O'Neal, Special Assistant Attorney General  
Rhonda Freeman, Bureau Director, Licensure Division  
Leslie Ross, Bureau Director, Investigative Division  
Jonathan Dalton, Staff Officer, Investigative Division  
Frances Carrillo, Staff Officer, Investigative Division  
Sherry H. Pilgrim, Staff Officer

Charles Thomas, Yazoo City, Consumer Health Committee  
Maj Gen (Ret) Erik Hearon, Consumer Health Committee

Not present:

William S. Mayo, D.O., Oxford  
Wesley Breland, Hattiesburg, Consumer Health Committee

The meeting was called to order at 9:00 a.m. by Dr. Miles, President. The invocation was given by Dr. Easterling and the pledge was led by Dr. Lippincott. Dr. Miles extended a welcome to all visitors present at the meeting.

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Dr. Miles opened the floor for public comments but there were none.

**LEE DUKES, CATAPULT HEALTH**

Lee Dukes, VP of Clinical Outcomes & Customer Experience of Catapult Health of Dallas, Texas was recognized. Mr. Dukes described Catapult Health providing workplace preventative checkups. Mr. Dukes is requesting for two Mississippi Health Medical Directors to have permission to collaborate with Mississippi Nurse Practitioners in a free standing clinic status.

The Board recommended that Catapult Health have three Medical Directors to oversee Nurse Practitioners and to submit that plan in writing to the Board.

**EXECUTIVE DIRECTOR'S REPORT JANUARY 01, 2017, THRU FEBRUARY 28, 2017**

**a. Approval of certifications to other entities**

291 licenses were certified to other entities.

**b. Approval of licenses issued**

90 licenses were issued.

**c. PA protocols**

20 PA protocols were approved

Following a brief discussion and several questions changes were noted.

**d. Bariatric and Pain Practice Registrations**

No changes

**e. Proposed Consent Orders**

Dorothy Lee Gillespie, M.D.  
Irina V. Borissova, M.D.  
George E. Gillespie, III, M.D.  
Bret Boes, M.D.  
Alvin Beezley, M.D.

A motion was made by Dr. Easterling, seconded by Dr. Rea, to consider going into Executive Session to consider the issuance of the above noted orders involving allegations of misconduct. Motion was carried unanimously wherein the Board went into Executive session.

One of the considerations was a change to the consent order of George E. Gillespie, III, D.O. Upon a motion by Dr. Rea seconded by Dr. Crawford, and carried to accept the Consent orders.

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### **f. Letters of Concern issued**

A letter of concern was issued to Carol D. Harris, M.D., for CME requirements. A copy of letter is attached hereto and incorporated by reference.

### **g. Investigative Report**

Ms. Ross advised that the Board had received 52 complaints, had closed \*412 cases, had sent 17 complaints to licensees for a response, and taken 5 disciplinary actions consisting of 4 consent orders and 1 temporary action. “\*CASES CLOSED”, due to old closed cases not having been listed as resolved in the system.

Dr. Owens suggested adding the number of open cases to this report.

### **h. Data Use Update**

Following a brief discussion in regards to the request for specific Licensee data from the Mississippi Workforce, the Board agreed to provide.

### **I. Interstate Medical Licensure Compact Update**

Dr. Hall briefly discussed the Interstate Medical Licensure Compact update in regards to the state of primary licensure, the list of medical schools and fees. The Board was apprised that the Compact statute requires licensure for all graduates of schools listed in the IMED (International Medical School Directory) who otherwise meet the requirements for expedited licensure.

Following a brief discussion, motion was made by Dr. Owens, seconded by Dr. Rea, and carried that the Board strike the medical school list from the compact licensure application process.

### **REVIEW OF MINUTES OF THE EXECUTIVE COMMITTEE MEETING DATED JANUARY 11, 2017, AND MINUTES OF THE BOARD MEETING DATED JANUARY 12, 2017**

Dr. Easterling advised that the consent order for Donald V. Conerly, M.D., dated January 12, 2017, did require a monitoring contract.

Upon review of the minutes of the Executive Committee Meeting dated January 11, 2017, and minutes of the Board meeting dated January 12, 2017, Dr. Crawford moved for approval of the minutes as submitted. Dr. Brunson seconded the motion and it carried unanimously.

### **REPORT OF MARCH 15, 2017, EXECUTIVE COMMITTEE MEETING**

Dr. Hall briefly discussed the issues/appearances that were discussed by the Executive Committee on March 15, 2017. Information pertaining to the Executive Committee's

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decisions/recommendations is included in the Executive Committee Minutes dated March 15, 2017.

Motion was made by Dr. Rea, seconded by Dr. Lippincott, and carried unanimously to ratify the decisions/recommendations of the Executive Committee.

**REPORTS FROM COMMITTEES**

**Scope of Practice - Dr. Easterling (Chair), Dr. Brunson, Dr. Miles, Dr. Rea, Dr. Owens, Mr. Thomas**

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

**Professionals Health Program - Dr. Crawford (Chair), Dr. Lippincott, Dr. McClendon, Dr. Rea**

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

**Rules, Regulation & Legislative - Dr. Mayo (Chair), Dr. Easterling, Dr. Miles, Dr. McClendon, Dr. Owens, Mr. Breland**

Dr. Easterling advised of meeting yesterday and that the proposed rules and regulations are to be filed.

**Telemedicine I Interstate Licensure Compact - Dr. Brunson (Chair), Dr. Crawford, Dr. Hall, Ms. Freeman, Maj Gen (Retired) Hearon**

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

**Licensees Education and Communication - Dr. Easterling (Chair), Dr. Brunson, Dr. Crawford, Dr. Rea, Ms. Freeman**

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

**Physician Assistant Advisory Task Force - Dr. Crawford (Chair), Robert Phil pot, Jr., PhD, PA-C Tristen Harris, PA-C Lauren English, Phyllis Johnson, Board of Nursing, Ms. Freeman, PA-C Leah Calder, PA-C Gavin Nowell**

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

**Other Business**

Dr. Miles announced a new committee to be called the Operations Committee. This committee will oversee the operations of the Medical Board. Dr. Brunson will serve as Chair, and members include Dr. Easterling and Dr Rea.

**TWO (2) EXAMINING COMMITTEE REPORTS FOR BOARD REVIEW AND APPROVAL  
PURSUANT TO MISS CODE § 73-25-61**

Mr. Ingram, Complaint Counsel for the Board, advised that this is a matter that falls under the *Mississippi Disabled Physician Law*, which provides that all patient records, investigative reports and other documents in possession of the Board and Examining Committee shall be kept confidential. Further, information received from the Examining Committee is investigatory in nature and may result in disciplinary action. Therefore, Mr. Ingram advised that the matter would need to be handled in Executive Session.

Motion was made by Dr. Crawford, seconded by Dr. Rea, and carried that the Board enter into Executive Session based upon the above grounds provided by the Board's Complaint Counsel.

Upon a motion by Dr. Crawford, seconded by Dr. Easterling, and carried the Board came out of Executive Session at which time Dr. Miles asked Dr. Brunson to report on the Board's decision. Dr. Brunson advised that the Final Report of the Examining Committee is accepted in reference to licensee pursuant to MS Code §73-25-61.

**THE BOARD RECESSED FOR LUNCH AT 11:55 A.M. AND RETURNED AT 1:00 P.M.**

**HEARING IN THE CASE OF ARNOLD E. FELDMAN, M.D., BATON ROUGE, LA,  
MISSISSIPPI MEDICAL LICENSE NUMBER 10981**

Mr. Ingram introduced Dr. Feldman and his attorney, Philip Hearn. Mr. Ingram advised that they were appearing today due to an Order of Temporary Action and Summons and Affidavit being served on Dr. Feldman.

Mr. Ingram provided the Board with a brief background and history surrounding Dr. Feldman's case and entered several exhibits into the record. Mr. Ingram briefly covered the Louisiana's Medical Board's order and advised that Dr. Feldman was found guilty of 6 out of 7 counts. Mr. Ingram advised that Dr. Feldman has appealed the Louisiana's State Board of Medical Examiners' decision.

Mr. Hearn entered numerous exhibits into the record on Dr. Feldman's behalf.

Mr. Ingram provided the Board with an opening statement.

Mr. Hearn provided the Board with an opening statement.

Dr. Feldman was called to the witness stand and sworn in by the court reporter. Dr. Feldman answered numerous questions by the Board members.

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Mr. Ingram entered a list of lawsuits Dr. Feldman has filed against the Louisiana State Board of Medical Examiners. Following questions from attorneys and Board members closing remarks were made by Mr. Ingram and Mr. Hearn.

A motion was made by Dr. Rea, seconded by Dr. Owens and carried that the Executive Committee enter into Executive Session to discuss a matter that could result in adverse action.

Upon a motion by Dr. Easterling, seconded by Dr. Crawford and carried the Executive Committee came out of Executive Session at which time Dr. Miles asked Dr. Brunson to report on its decision. Dr. Brunson advised that the Board finds that Dr. Feldman's license had been disciplined by the Louisiana State Board of Medical Examiners; that the decision is currently under appeal; that this Board has the authority to take action against his license based on Louisiana's action notwithstanding appeal. Therefore, this Board orders suspension of his license until October 2018, at which time he may petition the Board for reinstatement. However, if prior to that time, the Louisiana Board's decision is modified he may appear before the Board for reconsideration. This order goes into effect April 17, 2017.

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

The official account of this proceeding was recorded by Cathy White, Court Reporter.

**HEARING IN THE CASE OF LON F. ALEXANDER, M.D., HATTIESBURG,  
MISSISSIPPI MEDICAL LICENSE NUMBER 10954**

Dr. Hall advised that on February 5, 2017, Dr. Alexander was served a Summons and Affidavit for a hearing scheduled for today. Dr. Hall advised that the Board had received a written request from his attorney, Bobby Dallas for a continuance until the May Board meeting. Motion was made by Dr. Crawford, seconded by Dr. Owens, and carried to accept the Continuance until the May Board meeting.

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

**REQUEST FROM MISSISSIPPI STATE MEDICAL ASSOCIATION**

A request from the Mississippi State Medical Association to obtain information regarding residency training of Licensees was discussed. It was determined that this data was not readily available until the new system is in place. Dr. Miles advised that this will be a task assigned to the Operations Committee.

**FSMB FOUNDATION ANNUAL LUNCHEON FRIDAY, APRIL 21, 2017 - APPROVAL FOR THOSE ATTENDING**

The Board approved for the following attendees to attend the Annual Luncheon on April 21, 2017; Dr. Easterling, Dr. Rea, Dr. Brunson, and Major Gen. Hearon.


**PROPOSED REGULATIONS TO BE DISCUSSED CONCERNING TITLE 30:  
PART 2640 - PRESCRIBING, ADMINISTERING AND DISPENSING**

After discussion, motion was made by Dr. Crawford, seconded by Dr. Rea, and carried of the Board's intent to amend the regulation concerning changes discussed.

Copies of the proposed amended regulations are attached hereto and incorporated by reference. The amended regulations will be posted for public comment and filed with the Secretary of State under the Administrative Procedures Act.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 3:30 p.m., with the next two meetings scheduled for Thursday, May 18, 2017 and tentatively for Thursday, July 20, 2017.

  
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Charles D. Miles, MD  
President

**Minutes taken and transcribed**  
**by Frances Carrillo**  
**Staff Officer**  
**March 15, 2017**

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

**IN THE MATTER OF THE PHYSICIAN LICENSE**

**OF**

**GEORGE EDWARD GILLESPIE, III, D.O.**

**CONSENT ORDER**

**WHEREAS, GEORGE EDWARD GILLESPIE, III, D.O.,** hereinafter referred to as "Licensee," is the current holder of Mississippi Medical License No. 19284, said license number expires on June 30, 2017;

**WHEREAS,** the Investigative Staff of the Mississippi State Board of Medical Licensure, hereinafter referred to as the "Board," has conducted an investigation of Licensee and has in its possession evidence which, if produced during the course of an evidentiary hearing, would show clear and convincing evidence that Licensee is guilty of unprofessional conduct, which includes any dishonorable or unethical conduct likely to deceive, defraud or harm the public;

**WHEREAS,** the above conduct, if established before the Board, constitutes violations of the Mississippi Medical Practice Act, specifically, Subsections (8)(d) and (13) of § 73-25-29, Miss. Code Ann., as amended, for which the Board may revoke the medical license of Licensee, suspend it for a time deemed proper by the Board, or take any other action as the Board may deem proper under the circumstances;

**WHEREAS,** it is the desire of Licensee to avoid an evidentiary hearing before the Board and, in lieu thereof, has agreed to enter into this Consent Order;



**NOW, THEREFORE,** the Mississippi State Board of Medical Licensure, with consent of Licensee as signified by his joinder herein, does hereby place Licensee's medical license on **probation**, subject to the following terms and conditions, to-wit:

1. Licensee shall, within six (6) months of the acceptance and approval of this Order, successfully register and begin participation in Board approved Continuing Medical Education (CME) in the areas of Medical Ethics, Medical Record Keeping, and the Prescribing of Controlled Substances. The CME courses required herein shall be attained by attending a course in each subject noted above as provided by Professional Boundaries, Inc. (PBI), [www.professionalboundaries.com](http://www.professionalboundaries.com), 904-800-1237. Licensee shall provide proof of attendance and participation in each aspect of the courses required herein. Upon completion, Licensee shall provide, in writing, any and all improvement measures Licensee intends to, or has, put into practice. Licensee shall be required to participate in the optional 6 and 12 month follow-up components as offered by the PBI Ethics course required herein. Any credit received for such CME shall be in addition to the usual forty (40) hours of Category I credits required by Board regulation. Licensee will be required to be on-site while taking the CME course(s), as the course(s) cannot be taken on-line or by other means. Licensee shall submit proof of successful completion to the Board, to include 6 and 12 month follow-up documentation required herein.
2. Licensee shall obey all federal, state and local laws, and all rules, regulations, and ethics governing the practice of medicine. Any further acts of misconduct will result in further action.

3. Licensee shall report in writing to the Board within ten (10) days of any change in his practice location and/or change in employment.
4. Licensee's practice shall be subject to periodic, unannounced surveillance by the Board. The Executive Director, or any member or agent of the Board, shall have a right at any time to inspect the practice location of Licensee, including but not limited to any and all medical records, orders for medication, and any other record or document requirement to be maintained by Board Administrative Code.
5. Licensee expressly agrees he will not seek or attempt to seek an appearance before the Board prior to the completion of the terms of this Order and, further, agrees the terms and conditions of this Order, once executed, may not be appealed.
6. The terms of this Order shall run concurrently with any current or future affiliation Licensee maintains with the Mississippi Professionals Health Program (MPHP). In the event Licensee relapses or future recovery contracts are effected, the requirements of this Order shall recommence.
7. Licensee agrees that, should monitoring lapse for greater than fifteen (15) days while affiliated with MPHP, Licensee will immediately notify the Board and cease practicing medicine until such time as monitoring is re-established. Therefore, the Board may, in its sole discretion, require Licensee to undergo further evaluation or professional development.
8. 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.

This Consent Order shall be subject to approval by the Board. If the Board fails to approve this Consent Order, in whole or in part, it shall have no force or effect on the parties. It is further understood and agreed that the purpose of this Consent Order is to avoid a hearing before the Board. In this regard, Licensee authorizes the Board to review and examine any documentary evidence or material concerning the Licensee prior to or in conjunction with its consideration of this Consent Order. Should this Consent Order not be accepted by the Board, it is agreed that presentation to and consideration of this Consent Order and other documents and matters pertaining thereto by the Board shall not unfairly or illegally prejudice the Board or any of its members from participation in any further proceedings.

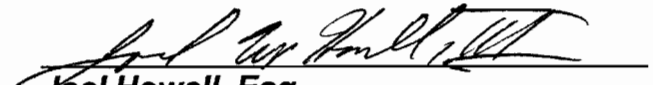
Further, it is not the intent or purpose of this Order to encourage malpractice liability as a result of Board action. Therefore, by execution of this Consent Order, Licensee is not admitting to or acknowledging any conduct or act of malpractice.

Licensee understands and expressly acknowledges that this Consent Order, if approved and executed by the Mississippi State Board of Medical Licensure, shall constitute a public record of the State of Mississippi. Licensee further acknowledges that the Board shall provide a copy of this Order to, among others, the U.S. Drug Enforcement Administration, and the Board makes no representation as to action, if any, which any other agency or jurisdiction may take in response to this Order.


Recognizing his right to notice of charges specified against him, to have such charges adjudicated pursuant to Miss. Code Ann., § 73-25-27, 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, **GEORGE EDWARD GILLESPIE, III, D.O.**, nevertheless, hereby waives his right to notice and a formal adjudication of charges and authorizes the Board to enter an Order accepting this Consent Order, thereby restricting his medical license, subject to those terms and conditions listed above.

**EXECUTED**, this the 16<sup>th</sup>, day of March, 2017.

  
**GEORGE EDWARD GILLESPIE, III, D.O.**

  
**Joel Howell, Esq.**  
Counsel for Licensee

**ACCEPTED AND APPROVED**, this the 16<sup>th</sup>, day of March, 2017, by the Mississippi State Board of Medical Licensure.

  
**CHARLES D. MILES, M.D.**  
Board President

  
**Stan T. Ingram**  
Board Complaint Counsel

**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
IN THE MATTER OF PHYSICIAN LICENSE**

**OF**

**ALVIN RAY BEEZLEY, JR., D.O.**

**CONSENT ORDER**

**WHEREAS, ALVIN RAY BEEZLEY, JR., D.O.,** hereinafter referred to as "Licensee," is the current holder of Mississippi Medical License No. 15421, issued July 21, 1997, and said license is current until June 30, 2017;

**WHEREAS,** the Investigative Staff of the Mississippi State Board of Medical Licensure, hereinafter referred to as the "Board," has conducted a comprehensive investigation into the medical practice of Licensee in Caledonia, Mississippi, and the surrounding area, and has in its possession evidence which, if produced during the course of an evidentiary hearing, would substantiate that Licensee has violated provision of the Board's Administrative Code, by administering, dispensing or prescribing drugs having addiction-forming or addiction-sustaining liability otherwise than in the course of legitimate professional practice and is guilty of unprofessional conduct, including, but not limited to, being guilty of any dishonorable or unethical conduct likely to deceive, defraud or harm the public;

**WHEREAS,** the above conduct, if established before the Board, constitutes violations of the Mississippi Medical Practice Act, specifically, Subsections (3), (8)(d), and (13) of § 73-25-29 and § 73-25-83(a), Miss. Code Ann. (1972), as amended for which the Board may revoke the medical license of Licensee, suspend it for a time deemed proper by the Board, or take any other action as the Board may deem proper under the circumstances;

**WHEREAS,** it is the desire of the Licensee to avoid an evidentiary hearing before the Board and, in lieu thereof, has agreed to enter into this Consent Order.

**NOW, THEREFORE**, the Mississippi State Board of Medical Licensure with consent of Licensee as signified by his joinder herein, does hereby **suspend** Licensee's certificate (No.15421) to practice medicine in the State of Mississippi for a period of six (6) months, with said suspension **immediately stayed** subject to the following terms and conditions, to wit:

1. Licensee shall surrender his U.S. Drug Enforcement (DEA) Uniform Controlled Substance Registration (number BB4223525) and agrees to seek reinstatement only with the prior approval of the Board. Licensee shall also be prohibited from the use of any institutional Uniform Controlled Substance Registration for prescriptive purposes.
2. Within 60 days of acceptance of this order by the Board, under the direction of a DEA official, Licensee shall execute a not-for-cause surrender using the attached DEA Form 104. Subsequently licensee shall submit a copy of the executed surrender to the Board.
3. Licensee shall obey all federal, state and local laws, and all rules and regulations governing the practice of medicine.
4. Licensee expressly agrees he will not seek an appearance before the Board prior to the completion of the terms of this Order and, further, agrees the terms and conditions of this Order, once executed, may not be appealed.
5. 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 to summarily suspend Licensee's certificate to practice medicine, without a hearing, provided Licensee shall be given an opportunity for a due process hearing on the matter at the first available regular meeting date following issuance of the summary suspension.
6. 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 one hundred and eighty (180) days from the

date the assessment is mailed to the Licensee via U.S. Mail to Licensee's current mailing address.

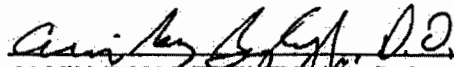
This Consent Order shall be subject to approval by the Board. If the Board fails to approve this Consent Order, in whole or in part, it shall have no force or effect on the parties. It is further understood and agreed that the purpose of this Consent Order is to avoid a hearing before the Board. In this regard, Licensee authorizes the Board to review and examine any documentary evidence or material concerning the Licensee prior to or in conjunction with its consideration of this Consent Order. Should this Consent Order not be accepted by the Board, it is agreed that presentation to and consideration of this Consent Order and other documents and matters pertaining thereto by the Board shall not unfairly or illegally prejudice the Board or any of its members from participation in any further proceedings.


Further, it is not the intent or purpose of this Order to encourage malpractice liability as a result of Board action. Therefore, by execution of this Consent Order, Licensee is not admitting to or acknowledging any conduct or act of malpractice.

Licensee understands and expressly acknowledges that this Consent Order, if approved and executed by the Mississippi State Board of Medical Licensure, shall constitute a public record of the State of Mississippi. Licensee further acknowledges that the Board shall provide a copy of this Order to, among others, the U.S. Drug Enforcement Administration, and the Board makes no representation as to action, if any, which any other agency or jurisdiction may take in response to this Order.


Recognizing his right to notice of charges specified against him, to have such charges adjudicated pursuant to Miss. Code Ann., §73-25-27 (1972), to be represented therein by legal counsel of his choice, and to a final decision rendered upon written findings of fact and conclusions law, **ALVIN RAY BEEZLEY, JR., D.O.**, nevertheless, hereby waives his right to notice and a formal adjudication of charges and authorizes the Board to enter an order accepting this Consent Order, thereby suspending and restricting his medical license.

EXECUTED, this the 13<sup>th</sup> day of March, 2017.

  
ALVIN RAY BEEZLEY, JR., D.O.

  
TIM HUDSON, ESQ.  
Counsel for Licensee

ACCEPTED AND APPROVED, this the 16<sup>th</sup> day of March, 2017, by the  
Mississippi State Board of Medical Licensure.

  
CHARLES D. MILES, M.D.  
Board President

  
STAN INGRAM, ESQ.  
Board Complaint Counsel



BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF PHYSICIAN'S LICENSE

OF

ARNOLD E. FELDMAN, M.D.

ORDER OF CONTINUANCE

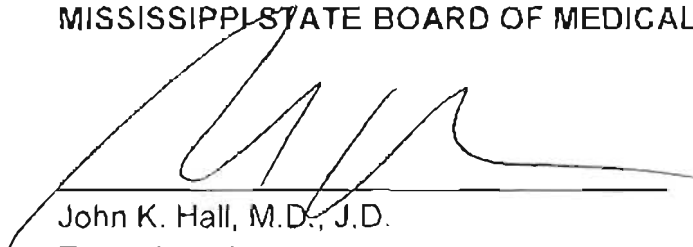
THIS MATTER came on regularly for hearing on January 12, 2017, before the Mississippi State Board of Medical Licensure (hereinafter "Board") in response to the request for a continuance of the hearing set for this date filed by Arnold E. Feldman, M.D., (hereinafter "Licensee"). On January 3, 2017, the Board issued an Order of Temporary Action, wherein pending the scheduled hearing, Licensee was prohibited from prescribing controlled substances in any schedules for the treatment of chronic (non-cancer) pain and obesity. As the basis for such temporary action, a determination was entered indicating that Licensee's continued unrestricted practice would constitute an immediate danger to the public, pursuant to § 73-25-89, Miss. Code Ann. Due to a conflict, Licensee through his counsel, Philip C. Hearn, requested a continuation of the hearing, subject to the aforementioned restriction as to the prescribing of controlled substances for the treatment of chronic (non-cancer) pain and obesity. Accordingly, the Board finds Licensee's motion to be well taken.

IT IS, THEREFORE, ORDERED, that this matter is continued until the next regularly scheduled meeting of the Board, being March 16, 2017, at 10:00 AM, wherein all charges then pending before the Board will be heard.

IT IS FURTHER ORDERED, that pending the outcome of the hearing before this Board, Licensee shall be prohibited from prescribing controlled substances in any schedules for the treatment of chronic (non-cancer) pain and obesity.

ORDERED, this the 12th day of January, 2017.

MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

A handwritten signature in black ink, appearing to read 'J. K. Hall', is written over a horizontal line. The signature is stylized and cursive.

John K. Hall, M.D., J.D.  
Executive Director

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

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

**OF**

**ARNOLD E. FELDMAN, M.D.**

**ORDER OF TEMPORARY ACTION PENDING HEARING**

**WHEREAS**, Arnold E. Feldman, M.D., hereinafter referred to as "Licensee," is the current holder of License No. 10981, issued April 22, 1986, for the practice of medicine in the State of Mississippi;

**WHEREAS**, the Mississippi State Board of Medical Licensure, upon determining that evidence in its possession indicates that a physician's continuation in practice would constitute an immediate danger to the public, has the authority pursuant to § 73-25-89, Miss. Code Ann., to take any of the same actions on a temporary basis, without hearing, which it could otherwise take under § 73-25-81 to 73-25-95 following a hearing, provided proceedings for a hearing before the Board are initiated simultaneously with such temporary action without a hearing, and a hearing to be held within fifteen (15) days of such action;

**WHEREAS**, based on the actions taken by the Louisiana State Board of Medical Examiners against Licensee dated August 15, 2016, and September 13, 2016, as summarized by the Affidavit of Todd Pohnert, Agent, Mississippi State Board of Medical Licensure, attached here to **Exhibit "A,"** the Mississippi State Board of Medical Licensure has evidence in its possession indicating that Licensee's continued unrestricted practice would constitute an immediate danger to the public, pursuant to § 73-25-89, Miss. Code Ann.

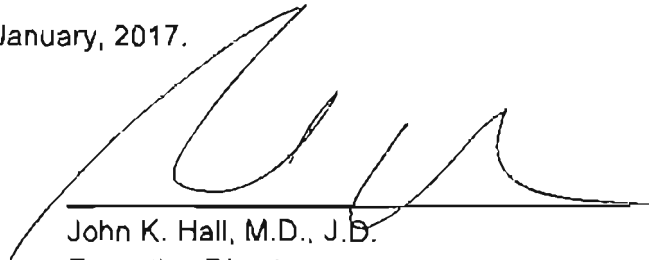
**WHEREAS**, based on the aforesaid actions taken by the Louisiana State Board of Medical Examiners, Licensee is currently prohibited from practicing medicine in the state of Louisiana. Furthermore, if and when his license is reinstated, Licensee shall be permanently

prohibited from prescribing controlled substances in the treatment of chronic (non-cancer) pain and obesity.

**NOW, THEREFORE, IT IS HEREBY ORDERED**, that pursuant to the aforementioned authority, the Mississippi Medical License (No. 10981), issued to the Arnold E. Feldman, M.D., is hereby restricted pending the outcome of a hearing scheduled for January 12, 2017. Specifically, pending the scheduled hearing, Licensee shall be and is hereby prohibited from prescribing controlled substances in any schedules for the treatment of chronic (non-cancer) pain and obesity.

**IT IS FURTHER ORDERED**, that a copy of this Order shall be sent by registered mail or personally served upon Arnold E. Feldman, M.D., and shall be effective immediately upon receipt thereof.

**ORDERED**, this the 3rd day of January, 2017.

A handwritten signature in black ink, appearing to read 'John K. Hall', is written over a horizontal line. The signature is fluid and cursive.

John K. Hall, M.D., J.D.  
Executive Director  
Mississippi State Board of Medical Licensure

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

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

**ARNOLD E. FELDMAN, M.D.**

**SUMMONS**

TO: Arnold E. Feldman, M.D.  
114 Jefferson Davis Blvd  
Natchez, Mississippi 39120

License Number 10981

**YOU ARE HEREBY SUMMONED** to appear before the Mississippi State Board of Medical Licensure in its Executive Conference Room, 1867 Crane Ridge Drive, Suite 200-B, Jackson, Hinds County, Mississippi, on January 12, 2017, at 10:00 a.m., to answer the charges filed against you in the matter now pending before this Board. The Mississippi State Board of Medical Licensure, charged by law with the licensing of medical doctors in this state, under Title 73, Chapter 25, Mississippi Code (1972), as amended, charges that you, a physician duly licensed under the authority of the Mississippi State Board of Medical Licensure and the laws of the State of Mississippi, are guilty of unprofessional conduct, which includes being guilty of dishonorable or unethical conduct likely to deceive, defraud or harm the public; and are guilty of having your license, permit or certificate to practice medicine in another state or jurisdiction revoked, suspended or other restriction imposed thereon by such 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 being prima facie evidence thereof, notwithstanding the pendency of any appeal.

Pursuant to Subsections, (8)(d) and (9) of §73-25-29 and §73-25-83(c), Miss. Code Ann. (1972), as amended, such action constitutes grounds for which the Mississippi State Board of Medical licensure may place your license on probation, the terms of which may be set by the

Board, suspend your right to practice for a time deemed proper by the Board, revoke your Mississippi medical license or take any other action in relation to your license as the Board may deem proper under the circumstances.

The Mississippi State Board of Medical Licensure further advises you that you have a right to be present at the hearing, to be represented by counsel, to produce witnesses or evidence on your behalf, to cross-examine witnesses and to have subpoenas issued by this Board.

You are further advised that pursuant to the Board's Rules of Procedure, you must file an answer or response to this Summons/Affidavit within fifteen (15) days of the date you receive the same or all matters asserted therein shall be deemed admitted. A full text of the Board's Rules of Procedure can be found at the Board's website [www.msbml.ms.gov](http://www.msbml.ms.gov) or can be obtained from the Board office.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 3<sup>rd</sup> day of January

2017  
-2016.

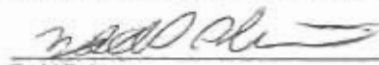


John K. Hall, M.D., J.D.  
Executive Director  
Mississippi State Board of Medical Licensure

**Board Complaint Counsel:**

Stan Ingram, Esq.  
Biggs, Ingram & Solop, PLLC  
111 Capitol Building  
111 East Capitol Street, Suite 101  
Jackson, MS 39201  
Mailing Address:  
Post Office Box 14028  
Jackson, MS 39236-4028  
Telephone: (601) 713-1192  
Facsimile: (601) 713-2049

I, Todd Pohnert, Investigator of the Mississippi State Board of Medical Licensure, did personally serve an original copy of this Order of Temporary Action Pending Hearing to Arnold E. Feldman, M.D., on the 3rd day of January, 2017, at 12:38 pm.



Todd Pohnert  
Investigator

**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**  
**IN THE MATTER OF PHYSICIAN'S LICENSE**  
**OF**  
**ARNOLD E. FELDMAN, M.D.**

**AFFIDAVIT**

**STATE OF MISSISSIPPI**  
**COUNTY OF HINDS**

I, Todd Pohnert, Agent, Mississippi State Board of Medical Licensure, do hereby make oath that I have reason to believe and do believe:

1. That Arnold E. Feldman, M.D. (hereinafter referred to as "Licensee"), is the current holder of Mississippi Medical License Number 10981 to practice medicine in the State of Mississippi. Said License is current until June 30, 2017.
2. That on April 11-13, 2016, Licensee appeared for a hearing before the Louisiana State Board of Medical Examiners (hereinafter the Louisiana Board) in response to seven (7) charges of violating the statutes of Louisiana regarding the practice of medicine. The specific charges were:
  - (1) "Unprofessional Conduct" and "Providing a false testimony before the Board or providing false sworn information to the Board";
  - (2) "Unprofessional Conduct" and "Continuing or recurring medical practice which fails to satisfy the prevailing and usually accepted standards of medical practice in this state";
  - (3) "Continuing or recurring medical practice which fails to satisfy the prevailing and usually accepted standards of medical practice in this state";
  - (4) "Unprofessional Conduct";

(5) "Knowingly performing any act, which, in any way, assists an unlicensed person to practice medicine or having a professional connection with or lending one's name to an illegal practitioner";

(6) "Prescribing, dispensing, or administering legally controlled substances or any dependency-inducing medication without legitimate medical justification thereof or in other than legal or legitimate manner" and "Knowingly performing any act, which, in any way, assists and unlicensed person to practice medicine or having a professional connection with or lending one's name to an illegal practitioner"; and

(7) "Making or submitting false, deceptive, or unfounded claims, reports, or opinions to any patient, insurance company or indemnity association, company, individual, or governmental authority for the purpose of obtaining anything of economic value."

Licensee was found guilty of Charges 1 through 6 and the Louisiana Board dismissed Charge 7. This produced an Order which censured and reprimanded Licensee, fined him five thousand (\$5,000) dollars, and suspended his license for a period of two (2) years, subject to specific terms and conditions. Upon conclusion of the two-year period of suspension and satisfaction of all terms as aforesaid, Licensee's Louisiana Medical License shall be reinstated, subject to certain probationary terms and conditions for an additional period of three (3) years, including but not limited to, Board approval of his medical practice, practice monitoring, prohibition against prescribing controlled substances in Schedules II, III, and IV and continuing medical education (CME). Significantly, even after reinstatement of his license, Licensee shall be permanently prohibited from prescribing controlled substances in the treatment of chronic (non-cancer) pain and obesity. Said **ORDER** is attached herewith as **Exhibit "A"**.

3. That on September 13, 2016, Licensee received a Decision and Order from the Louisiana



Board, which changed the date his license would be suspended to October 14, 2016. The purpose of this was to allow more time for Licensee's patients to find new providers as instructed by the Louisiana Board. Said ORDER is attached herewith as Exhibit "B."

COUNT I

**Based upon the foregoing, Licensee is guilty of having his license to practice medicine in another state or jurisdiction revoked, suspended, or other restriction imposed thereon, all in violation of Miss. Code Ann., §73-25-29(9).**

COUNT II

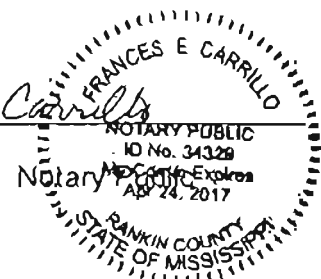

**Based on the foregoing, Licensee is guilty of unprofessional conduct, which includes, but is not limited to being guilty of any dishonorable or unethical conduct likely to harm the public, all in violation of Miss. Code Ann., §73-25-29(8)(d) and §73-25-83(a), as amended.**

4. That in addition to the above mentioned facts, the Affiant has determined that Licensee has since moved his practice to Natchez, Mississippi, in order to perpetuate similar activities as delineated in the Louisiana Order, and for which Licensee was disciplined. The Affiant has visually observed and documented Licensee's practice activity from the exterior of the practice and has observed said practice to consist of almost exclusively Louisiana patients based on license plates displayed in the parking lot. A review of the Mississippi Prescription Monitoring Program (PMP) demonstrates a high volume of controlled substances issued by Licensee for medications utilized in the treatment of pain.



Todd Pohnert, CMBI - Agent  
Mississippi State Board of Medical Licensure

SWORN TO AND SUBSCRIBED BEFORE ME, this the 3<sup>rd</sup> day of January, 2017.



**LOUISIANA STATE BOARD OF MEDICAL EXAMINERS**

630 Camp Street, New Orleans, LA 70130  
www.lsbme.la.gov



Telephone: (504) 568-6820  
FAX: (504) 568-8833  
Writer's Direct Dial:

(504) \_\_\_\_\_

**BEFORE THE LOUISIANA STATE BOARD OF MEDICAL EXAMINERS**

**NUMBER: 14-A-004  
IN THE MATTER OF:**

**ARNOLD ERWIN FELDMAN, M.D.  
(Certificate No. 10296R)**

**ADMINISTRATIVE HEARING  
HELD APRIL 11-13, 2016**

\*\*\*\*\*

**DECISION AND ORDER**

This matter came before the Board pursuant to an Administrative Complaint, which charges Respondent, Arnold Erwin Feldman, M.D., with seven (7) violations of the Louisiana Medical Practice Act. The case was heard before a panel of the Board consisting of Dr. Kweli J. Amusa, Dr. Joseph Dewey Busby, Jr., Dr. Roderick Vince Clark, and Dr. Kenneth Barton Farris, the Presiding Vice-President. The Respondent was present and represented by Counsel. The Board will address each of the seven (7) violations.

In the Administrative Complaint, Dr. Feldman is charged with the following violations.

1. La. Rev. Stat. § 37:1285A(13) ("Unprofessional conduct") and Rev. Stat. § 37:1285A(4) ("Providing false testimony before the Board or providing false sworn information to the Board").

2. La. Rev. Stat. § 37:1285A(13) (“Unprofessional conduct”) and La. Rev. Stat. §§37:1285(A)(14) (“Continuing or recurring medical practice which fails to satisfy the prevailing and usually accepted standards of medical practice in this state”).
3. La. Rev. Stat. §§37:1285(A)(14) (“Continuing or recurring medical practice which fails to satisfy the prevailing and usually accepted standards of medical practice in this state”).
4. La. Rev. Stat. § 37:1285A(13) (“Unprofessional conduct”).
5. La. Rev. Stat. § 37:1285A(18) (“Knowingly performing any act, which, in any way, assists an unlicensed person to practice medicine or having a professional connection with or lending one's name to an illegal practitioner”).
6. La. Rev. Stat § 37:1285A(6) (“Prescribing, dispensing, or administering legally controlled substances or any dependency-inducing medication without legitimate medical justification thereof or in other than a legal or legitimate manner”) and La. Rev. Stat. § 37:1285A(18) (“Knowingly performing any act, which, in any way, assists an unlicensed person to practice medicine or having a professional connection with or lending one's name to an illegal practitioner”).
7. La. Rev. Stat § 37:1285A(11) (“Making or submitting false, deceptive, or unfounded claims, reports, or opinions to any patient, insurance company or indemnity association, company, individual, or governmental authority for the purpose of obtaining anything of economic value”).

## FINDINGS OF FACT

The Board considered the following:

The **first charge** asserts that Dr. Feldman violated La. R.S. 37:1285(A)(13) (“Unprofessional conduct”) and La. R.S. 37:1285(A)(4) (“Providing false testimony before the Board or providing false sworn information to the Board”) relative to his submission to the Board of medical records that had been falsified to reflect nursing care performed by a registered nurse on a patient who died under his care.

The Complainant supported this charge primarily through the testimony and evidence provided by Nurse Melinda Ballard. The Board found Ms. Ballard's testimony to be very credible and weighed it accordingly. Her testimony demonstrated that the extent of the falsifications in RR's record quite staggering. The following examples are illustrative of these falsifications:

- The Preoperative Checklist was signed by Ms. Ballard as the "Pre-Op Nurse," although Ms. Ballard testified she was not present for the preoperative exam.
- The Preoperative Checklist was signed by Ms. Ballard as the "OR Nurse," although Ms. Ballard testified she was not there during the operation.
- The Preoperative Checklist was signed by Ms. Ballard indicating the different medicines administered (500mg Cipro, 10mg Valium, and 100mg Demerol). Ms. Ballard, however, testified she did not administer those medications.
- Ms. Ballard made five marks on the Procedure Record even though she was not present for the procedure. The record was also signed by Dr. Feldman – it listed Ms. Ballard as circulator, which was false.
- Ms. Ballard signed the IVP Med Sheet even though she was not in the room when Versed was administered. Moreover, she was not present for the taking of vital signs even though she signed the document.
- The Nurses Notes were signed by Ms. Ballard even though she was not the nurse during the procedure.
- Ms. Ballard signed the Physician Orders, even though she did not perform the preoperative procedure on RR, and was not there to receive any physician orders before the patient went to surgery.
- The Admission Form shows Ms. Ballard as a "witness" to RR's signature, even though she did not admit RR or witness his signature.
- The Procedure Consent Form shows Ms. Ballard as a "witness" to RR's signature, even though she did not witness RR sign the document. As with

all the records, Dr. Feldman signed the Procedure Consent Form, despite its false representations, *after* Ms. Ballard did.

- The Material Risks form shows Ms. Ballard as a "witness" to RR's signature even though she never witnessed RR signing it.
- Ms. Ballard signed the Acknowledgement Authorization and Consent form as a "witness" to RR's signature even though she did not witness him signing the document.
- The Surgical Safety Checklist shows Ms. Ballard with the designations "In OR" and "per AEF," even though she was not in the ASC operating room for the patient confirmation, and never received any orders from Dr. Feldman.
- And finally, Ms. Ballard signed a Nursing Care Plan as the "Nurse" even though she was not the nurse during the procedure.

In sum, Ms. Ballard was asked and encouraged to sign the RR records eleven times in a false manner.

Addressing Nurse Ballard's testimony, the Respondent argued that Dr. Feldman never told Ms. Ballard to falsify anything and there is nothing to indicate he knew of her falsehoods. However, the evidence suggests that Dr. Feldman knew that RR's records were falsified for multiple reasons. In addition to the patently false entries of Ms. Ballard, Dr. Feldman signed RR's medical records no less than seven times. Dr. Feldman certainly knew that Ms. Ballard was not present during RR's procedure, because, among other reasons, Ms. Hart, a scrub tech testified that she told him she was running late. Even apart from Ms. Hart's testimony, Dr. Feldman admitted that Ms. Ballard was not present for RR's procedure until the stretchers were called. Despite this knowledge, Dr. Feldman signed RR's medical records where the records indicate Ms. Ballard as the "Pre-Op Nurse," "OR Nurse," and "Circulator." Each of these representations were false, but

Dr. Feldman executed the documents anyway. In fact, at least three times, he signed documents that were previously signed by Ms. Ballard. For each of these documents – the Physician Orders, the Procedure Consent Form, and the Acknowledgement/Consent – Ms. Ballard conceded that she signed all the documents before Dr. Feldman did.

Dr. Feldman can make no credible argument that he merely signed the documents but did not review them.

Further, Dr. Feldman himself made entries that were false. Of most importance, he signed the Anesthesia Preoperative Evaluation form, even though he did not perform the evaluation. On that same form, he signed acknowledging that he had explained to RR the anesthesia risks. Dr. Feldman did not see RR and advise him of anesthesia risks. Dr. Mellick, Dr. Feldman's own expert, said it would be "concerning" if Dr. Feldman did not see RR preoperatively to do a history and physical, or did not perform a cardiac respiratory exam before the procedure.

For the foregoing reasons, the Board finds Dr. Feldman guilty of violating La. R.S. 37:1285(A)(13) ("Unprofessional conduct") and La. R.S. 37:1285(A)(4) ("Providing false testimony before the Board or providing false sworn information to the Board").

**Charge two** maintains that Dr. Feldman violated La. R.S. 37:1285(A)(13) ("Unprofessional conduct") and La. R.S. 37:1285(A)(14) ("Continuing or recurring medical practice which fails to satisfy the prevailing and usually accepted standards of medical practice in this state") relative to his failure to assure that licensed and registered nurses are available to assist and monitor patients undergoing surgical procedures in his facility. The allegations continued that Dr. Feldman also delegated nursing care, patient

assessment and monitoring, and the administration of intravenous medication to unlicensed personnel.

Similarly, **charge three** contends that Dr. Feldman violated La. R.S. 37:1285(A)(14) (“Continuing or recurring medical practice which fails to satisfy the prevailing and usually accepted standards of medical practice in this state”) relative to his performing a surgical procedure on a patient in his ASC who was a poor candidate for the procedure, and without a registered nurse or another appropriately trained, qualified, and licensed individual in the facility to monitor the patient while under conscious sedation. The allegations continued that Dr. Feldman failed to adequately monitor the patient, exercised poor management or care of the patient after complications arose, and all of his resuscitation attempts were contributing factors to the patient’s death.

Since Charges 2 and 3 are closely related, these charges are reviewed together.

The evidence submitted to support these charges fell into three categories: (1) a history of citations lodged against Dr. Feldman by the DHH; (2) falsification of records; and (3) Dr. Feldman’s treatment of RR fell below the standard of care for the LESI procedure.

#### History of Citations by DHH

The evidence showed that in 2010, the DHH visited Dr. Feldman’s facility and placed it in “immediate jeopardy.” The Public Health section of the Code of Federal Regulations defines “immediate jeopardy” as a “situation in which the provider’s or supplier’s non-compliance with one or more Medicare requirements, conditions of practitioners, conditions for coverage, or certificate **has caused, or is likely to cause,**

serious injury, harm, impairment, or death to a resident or patient.” The reasons given for the “immediate jeopardy” citation in 2010 were as follows:

- failure to ensure a registered nurse was on-site;
- scrub tech sat at the head of the bed monitoring the patient;
- no nurse in the recovery room when there were patients in the ASC;
- the administration of medication was delegated to unlicensed personnel;
- no documentation of the staff member who administered the medications;
- a scrub nurse had been assigned to administer medicine in the preoperative area;
- Dr. Feldman acknowledged that he was not continuously at the bedside of patients when they were in the pre-anesthesia care unit when medications were administered.

Further, DHH returned to Dr. Feldman’s facility in May 2011 and discovered that many of the same problems persisted.

Still further, DHH investigated Dr. Feldman’s facility after RR’s death (in February 2013). Once again, he was cited by DHH because:

- there was no documented evidence that he assessed the patient for anesthesia risk prior to RR’s procedure;
- there was no documentation demonstrating that RR was cleared to have his procedure and cleared to receive anesthesia in an ambulatory setting;
- he failed to properly credential another surgeon, Dr. Ronald Sylvest.

#### Falsification of Records

The Board believes it thoroughly discussed this issue in its analysis of charge one, and will not repeat itself.



Dr. Feldman's treatment of RR fell below the standard of care for the LESI procedure

The Complainant alleged that RR was not a good candidate for a procedure under conscious sedation at an ambulatory surgery center. Complainant stated that the procedure was risky because of the patient's numerous co-morbidities, including morbid obesity, obstructive sleep apnea, chronic obstructive pulmonary disease, hypertension, hypercholesteremia, and heart disease characterized as a "weak heart".

Of course, Respondent claims that RR was an acceptable candidate for the LESI procedure and provided expert testimony to support this position. The Board finds that whether RR was a good candidate to undergo the LESI procedure at an ambulatory surgical center is a reasonably debatable issue. What is beyond debate, however, is that RR received substandard care when he was brought into the preoperative room. First, he was not given a Preoperative Anesthesia Evaluation by a physician. Instead, that evaluation form was filled out by an unlicensed, unsupervised medical assistant, Haley Barker. Additionally, RR was not attended by a preoperative nurse, but instead, was examined by Ms. Barker.

No nurse was on the premises, let alone in the room, for RR's preoperative care. Ms. Barker testified that she brought RR back to the preoperative room from the waiting room because the nurse, Melinda Ballard, was running late. Further evidence of Dr. Feldman's treatment falling below the standard of care is RR's medication injections.

RR's preoperative medicines, including an injection of Demerol, a Schedule II narcotic, were administered by Ms. Barker, an unlicensed, unsupervised medical assistant. Also, an unlicensed scrub tech, Dana Bramlett, placed a 22-gauge peripheral

intravenous line in RR's left hand. That IV was problematic. During RR's code, IV access was lost and was never reestablished.

After RR was taken in to the operating room, there was no nurse physically present on the premises, let alone supervising the surgical suite, during RR's procedure. Moreover, RR was specifically designated for MAC (i.e., monitored anesthesia care) for the procedure, but the evidence revealed he was not monitored by any licensed personnel, such as a registered nurse or a nurse anesthetist. Still further, the sedative RR received (allegedly 4mg of Versed) was administered to RR by the unlicensed scrub tech before Dr. Feldman entered the operating room. Finally, the monitoring of RR during the procedure by the unlicensed scrub tech failed to detect any early signs of distress, and unfortunately, RR had a cardiac arrest.

Taking all of the aforementioned into account, this Board finds that Dr. Feldman is guilty of charges 2 and 3.

The **fourth charge** lodged against Dr. Feldman avers that he violated La. R.S. 37:1285(A)(13) ("Unprofessional conduct") relative to the allegation that he allowed an orthopedic surgeon, whose license was on probation pursuant to a Consent Order that required pre-approval of his practice, to perform surgical procedures at his ASC. Of the seven charges brought against Dr. Feldman, the Board finds this one to be almost self-proving. It was undisputed that Dr. Sylvest was placed on indefinite probation in 2011 for substance abuse. He was under a Consent Order. As part of the Order, the Board limited his practice as follows: "**Restriction to Board Approval Practice.** Dr. Sylvest shall only engage in the practice of medicine in a medical setting preapproved in writing

by the Board.” The Board also demanded that it “be apprised of his plans for performing any surgical procedures and any privileges be obtained in outpatient surgery centers.” In spite of the clear restrictions of this Consent Order, Dr. Feldman allowed Dr. Sylvest to perform twenty-seven (27) surgeries at his facilities before Dr. Sylvest was credentialed at all by the ASC. Dr. Feldman did credential Dr. Sylvest in March 2013, however, he knew that Dr. Sylvest could not obtain staff privileges at any hospital. When Dr. Feldman credentialed Dr. Sylvest, he also knew that Dr. Sylvest was under a Consent Order with the Board. In 2013, the Board discovered Dr. Sylvest’s actions, and again, suspended him.

Thus, Dr. Feldman allowed Dr. Sylvest to perform twenty-seven (27) surgeries at the clinic without being credentialed, and while Dr. Sylvest had not received clearance from the Board pursuant to the 2013 Sylvest Consent Order.

Respondent vehemently argued that Dr. Sylvest, and not Dr. Feldman, was the one who needed to apprise the Board and seek approval to engage in the practice of medicine at Dr. Feldman’s facilities. This argument is without merit because it misses the point.

The charge against Dr. Feldman is not that he was the one obligated to request and seek from the Board any approval for Dr. Sylvest to perform surgeries at his facilities. It is immaterial who apprised and requested approval from the Board. Rather, the charge focused on the fact that Dr. Feldman, as the medical director and the chief credentialing doctor at his facilities, was obligated to assure that those doctors who operated at his facilities – with his approval – were, in fact, licensed and authorized to practice medicine at his facilities.

Therefore, the Board finds that Dr. Feldman violated La. R.S. 37:1285(A)(13) (“Unprofessional conduct”) and is guilty of charge four.

Turning our attention to **charge five**, we note that the Complainant declared that Dr. Feldman violated La. R.S. 37:1285(A)(18) (“Knowingly performing an act, which, in any way, assists an unlicensed person to practice medicine or having a professional connection with or lending one’s name to an illegal practitioner”) relative to the allegation that he knew or should have known that a staff member under his authority was engaging in the unauthorized practice of medicine.

The evidence adduced at the hearing supports the position that Dr. Feldman facilitated the unauthorized practice of medicine with his unlicensed staff. The following facts were demonstrated at the hearing:

- Dana Bramlett, an unlicensed scrub tech, refilled pain pumps.
- Pain pumps were filled by Ms. Bramlett even when Dr. Feldman was *not* on the premises.
- Ms. Bramlett was seen changing the dosages of pain pumps without consulting Dr. Feldman.
- Unlicensed personnel administered controlled medications at Dr. Feldman’s facilities.
  - Ms. Bramlett administered the medications in the operating room for RR’s procedure.
  - Haley Barker, a medical assistant, administered Demerol, a Schedule II controlled substance, to patients.
  - Ms. Bramlett administered Versed outside the presence of Dr. Feldman.

- o Ms. Barker, a medical assistant, could not administer medications or help in the operating room. Despite these limitations, she did both. She injected Demerol and she helped in the operating room.

The Board finds that the evidence relating to the fifth charge is overwhelming, and therefore, finds Dr. Feldman guilty of this charge.

The **sixth charge** against Dr. Feldman states that he violated La. R.S. 37:1285(A)(6) (“Prescribing, dispensing, or administering legally controlled substances or any dependency-inducing medication without legitimate medical justification thereof or in other than a legal or legitimate manner”), and La. R.S. 37:1285(A)(18) (“Knowingly performing an act, which, in any way, assists an unlicensed person to practice medicine or having a professional connection with or lending one’s name to an illegal practitioner”) relative to the allegation that he provided pre-signed prescriptions to his staff and/or allowed staff to utilize a “Ghost Writer” to affix his signature to prescriptions.

In addition to pre-printed, pre-signed prescriptions provided to patients without seeing him, Dr. Feldman also facilitated the unauthorized practice of medicine by allowing unauthorized personnel to “sign” prescriptions. Prescriptions were signed by unlicensed personnel using a ghostwriter, a device which would simulate his signature. Haley Barker testified that she signed prescriptions with the ghostwriter for a variety of medications like Percocet or OxyContin. Furthermore, based on the testimony of witnesses, we find that prescriptions were also signed by unlicensed personnel by hand.

In addition to allowing unlicensed personnel to dispense pre-signed prescriptions and to sign prescriptions by a ghostwriter or by hand, Dr. Feldman also allowed

unlicensed personnel access to controlled substances through a Pyxis machine. Dr. Feldman conceded he gave Dana Bramlett, a scrub tech, and Ms. Barker, a medical assistant, access to his Pyxis machine and its controlled substances. And, Ms. Barker confirmed that she had access to the machine.

The final charge the Board had to deliberate upon was **charge seven**, which states that Dr. Feldman violated La. R.S. 37:1285(A)(11) (“Making or submitting false, deceptive, or unfounded claims, reports, or opinions to any patient, insurance company or indemnity association, company, individual, or governmental authority for the purpose of obtaining anything of economic value”) relative to the allegation that he submitted bills to insurance companies and/or governmental agencies for services that he did not personally perform.

Dr. Feldman avoided testimony about improper billing practices by invoking his Fifth Amendment privilege against self-incrimination. Because he invoked the constitutional right provided to him by the Fifth Amendment of the United States Constitution, the Board believed that he was constrained to fully defend himself against charge 7. Although the Complainant provided evidence to support this charge, it was challenging to rule on this issue after receiving only one side of what allegedly transpired with regard to Dr. Feldman’s billing practices. Consequently, the Board decided to dismiss this specific charge without prejudice.

## CONCLUSIONS OF LAW

In conclusion, in light of the foregoing discussion, and based on the law, evidence and findings of this Board, the Board holds that Dr. Feldman is guilty of Charges 1 through 6, and the Board dismisses, without prejudice, Charge 7.

### **SANCTIONS**

Based upon the Findings of Fact and Conclusions of Law:

**IT IS ORDERED** that the license of Arnold Feldman, MD is hereby **SUSPENDED** from the practice of medicine for a **period of two (2) years**; the suspension period begins thirty (30) days after the date of this ruling, allowing time for patient referral to other providers.

**IT IS FURTHER ORDERED** that in the event First Choice Surgery Center of Baton Rouge continues to operate, the Board is to be notified of the physician serving as the Director and the Board is to be notified of any physician practicing medicine within the facility. This notification shall occur at least ten (10) business days prior to said physicians operating and/or practicing within the facility.

**IT IS FURTHER ORDERED** that Dr. Feldman shall pay a **fine of \$5000 and all costs associated with these proceedings** beginning on the date of the filing of the Administrative Complaint.

**IT IS FURTHER ORDERED** that Dr. Feldman shall take one or more courses, which have been pre-approved by the Board, in the area of medical ethics, professionalism and medical recordkeeping.

**IT IS FURTHER ORDERED** that within 60 days prior to a request for reinstatement, Dr. Feldman shall undergo a mental/physical evaluation at a facility that has been pre-approved by the Board, and be deemed to be competent to practice medicine.

**IT IS FURTHER ORDERED** upon conclusion of the period of suspension, Dr. Feldman shall make a Personal Appearance before the Board during regularly scheduled meeting to demonstrate his compliance with the Board Order and to request reinstatement of his license.

**IT IS FURTHER ORDERED** that upon satisfaction of the proceeding terms, Dr. Feldman's license to practice medicine in the state of Louisiana shall be **Reinstated on Probation** for a **period of three years (3)** subject to his strict compliance with the following terms and conditions.

- (1) **Board Approval of Medical Practice.** Following the effective date of the Reinstatement Order and for the duration of the probationary period, Dr. Feldman shall provide the Board with information including a complete and accurate description, and such further information as the Board may request, concerning any practice setting in which Dr. Feldman intends to practice medicine. Dr. Feldman shall not engage in the practice of medicine in any practice setting in advance of the Board's specific written approval of such practice setting.
- (2) **Practice Monitoring and Quarterly Reports.** Within sixty (60) days of the effective date of the Reinstatement Order, Dr. Feldman shall enter into a contract with a Board-approved practice monitor program to monitor and review Dr. Feldman's medical practice during the probationary period. The program will work in conjunction with the



Board to develop parameters for monitoring Dr. Feldman's practice, including a review of Dr. Feldman's patient records and charts. The practice monitor shall review no less than thirty (30) records a quarter. The practice monitoring program will provide quarterly reports to the Board that will include an opinion as to whether Dr. Feldman is practicing medicine and documenting his patient's evaluation and treatment in accordance with the prevailing standards of medical practice. Dr. Feldman shall bear all costs associated with the practice monitor program.

- (3) **Prescription, Dispensation, Administration of Controlled Substances Prohibited.** During the probationary period, except as authorized herein, Dr. Feldman shall not prescribe, dispense or administer any substance which may be classified, defined, enumerated or included in 21 C.F.R. §§1308.11-.15 or La. Rev. Stat §40:964, as a Schedule II, III or IV controlled substances. Dr. Feldman will be able to continue to prescribe Schedule V controlled substances in the course of his practice. This prohibition shall not prevent him from ordering the administration of controlled substances and other prescription medications to in-patients of and at a hospital or similar institution where he may be employed or exercise staff and clinical privileges in accordance with such hospital or institution's prescribed policies and procedures governing the administration of controlled substances.
- (4) **Prohibitions on the Prescribing of Controlled Substances for the Treatment of Chronic Pain or Obesity.** At no time following the effective date of the Reinstatement Order shall Dr. Feldman prescribe controlled substances for the treatment of non-cancer related chronic pain or obesity. Furthermore, he shall not receive any remuneration from, have any ownership interest in or association with any clinic or practice setting or arrangement that advertises or holds itself out to the public as a clinic or practice for the care and/or treatment of patients for the management of chronic pain or obesity. Until and unless otherwise modified by the Board, in its

sole discretion, the restrictions contained in this provision shall survive the probationary period and remain in effect so long as Dr. Feldman shall hold any form of license or permit to practice medicine in the state of Louisiana.

- (5) **Collaboration with Nurse Practitioners, Supervision of Physician Assistants/Effect On.** During the probationary period, Dr. Feldman is not eligible to enter into or continue in a collaborative or supervisory practice agreement with a mid-level provider, *e.g.*, nurse practitioner or physician assistant. This restriction shall not preclude Dr. Feldman from employing nurses or other medical personnel to assist in his practice, as long as he is present and directing their activities appropriate to their level of expertise and ability.
- (6) **Continuing Medical Education.** Dr. Feldman shall obtain not less than fifty (50) credit hours per year for each of the three (3) years of his probationary period through attendance at and participation in continuing medical education ("CME") programs accredited by the American Medical Association. On or before the anniversary date of the effective date of this Order, for each of the three (3) years, Dr. Feldman shall cause to be submitted to the Board written certification of the CME programs and credits completed by him during the preceding twelve (12) months.
- (7) **Absence from the State/Practice/Effect on Probation.** Should Dr. Feldman at any time during the period of probation ordered herein be absent from the state of Louisiana, relocate to and/or take up residency in another state or country, or discontinue practicing as a physician, for a period of thirty (30) days or more, he will so advise the Board in writing. In such instance, the probationary period ordered herein shall be deemed interrupted and extended for no less than the period of time during which he was not engaged in practice or was absent from the state of Louisiana; however, all terms and conditions may continue to be in effect as ordered or may be modified or altered as needed at the Board's discretion.

- (8) **Notification.** Dr. Feldman shall provide a complete copy of this Order to each hospital, clinic, facility or other employer or prospective employer at which or for whom he provides services as a physician in this state.
- (9) **Cooperation with Board's Probation and Compliance Officer.** Dr. Feldman shall immediately notify the Board's Probation and Compliance Officer of any change in his current home and professional addresses and telephone numbers and he shall direct all matters required pursuant to this Order to the attention of the Probation and Compliance Officer, with whom he shall cooperate on all matters and inquiries pertaining to his compliance with the terms and conditions of this Order.
- (10) **Probation Monitoring Fee.** For each year of the probationary period Dr. Feldman shall pay the Board a probation monitoring fee of Three Hundred (\$300.00) Dollars. Payment of the initial fee shall be due not later than sixty (60) days from the effective date of the Reinstatement Order. All subsequent annual payments shall be due on or before the anniversary date of the initial fee payment.
- (11) **Certification of Compliance with Probationary Terms/Personal Appearance.** At least sixty (60) days prior to the conclusion of the probationary period imposed herein, Dr. Feldman shall provide the Board with an affidavit certifying that he has complied with each of the terms of probation imposed by this Order and he shall contact the Board and arrange for a personal appearance before the Board at its meeting preceding the expiration of his probationary period. The probationary period and all of its terms and conditions shall be, and shall be deemed to be, extended and continued in full force and effect pending Dr. Feldman's compliance with the requirements of this provision.


**IT IS FURTHER ORDERED** that any violation or failure of strict compliance with any of the terms and conditions set forth by this Order by Dr.

Feldman shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the revocation and cancellation of Dr. Feldman 's license to practice medicine in the State of Louisiana or for such other action as the Board may deem appropriate, as if such violations were enumerated among the causes provided in La. Rev. Stat. § 37:1285.

**IT IS FURTHER ORDERED** that this Order shall be, and shall be deemed to be, a public record.

New Orleans, Louisiana, this 15<sup>th</sup> day of August, 2016.

**LOUISIANA STATE BOARD OF MEDICAL EXAMINERS**

BY:   
Kennell Barton Farris, M.D.  
Vice-President

**BEFORE THE  
LOUISIANA STATE BOARD  
OF MEDICAL EXAMINERS**

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**IN THE MATTER OF:**

**ARNOLD ERWIN FELDMAN, M.D.**  
*(Certificate No. 10296R)*

**No. 14-A-004**

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*Respondent*

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**ORDER**

On August 15, 2016, this Board issued its Decision and Order in this matter, which, *inter alia*, ordered that Arnold Feldman, M.D., be suspended from the practice of medicine for a period of two years. The suspension was to commence after thirty days, allowing time for patient referral to other providers. In light of the tragic flooding that has occurred in and around Baton Rouge, Louisiana, and the difficulty that may have caused Dr. Feldman in contacting all of his patients to inform them of his suspension and to provide them with referrals to other providers, the Board shall hereby further extend the effective date of the commencement Dr. Feldman's suspension, which shall now take effect on October 14, 2016.

**IT IS HEREBY ORDERED** that the two-year suspension period of Arnold E. Feldman, M.D. (Certificate No. 10296R) shall commence on October 14, 2016.

New Orleans, Louisiana, this 13 day of September, 2016.

**LOUISIANA STATE BOARD OF MEDICAL EXAMINERS**

BY: Kenneth Barton Farris, M.D.  
Kenneth Barton Farris, M.D.  
Vice-President

Exhibit B

**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
IN THE MATTER OF THE PHYSICIAN'S LICENSE**

**OF**

**LON F. ALEXANDER, M.D.**

**ORDER OF CONTINUANCE**

**THIS MATTER** came on regularly for hearing on March 16, 2017, before the Mississippi State Board of Medical Licensure in response to a request for continuance of the hearing set for this date filed by Lon F. Alexander, M.D., (hereinafter "Licensee"). After consideration of the matter, the Board finds Licensee's motion to be well taken.

**IT IS, THEREFORE, ORDERED**, that this matter is continued until May 18<sup>th</sup>, 2017.

**ORDERED**, this the 16<sup>th</sup> day of March, 2017.

**Mississippi State Board of Medical Licensure**



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**Charles D. Miles, M.D.  
President**

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
IN THE MATTER OF THE PHYSICIAN'S LICENSE  
OF  
LON F. ALEXANDER, M.D.

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MOTION FOR CONTINUANCE OF HEARING

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Lon F. Alexander, M.D. ("Dr. Alexander"), through counsel, files this Motion for Continuance of the noticed hearing as to him, and in support he states as follows:

1. The hearing in this matter is scheduled for March 16, 2017.
2. Dr. Alexander specifically retained Bobby L. Dallas to be his counsel for this matter.
3. Dr. Alexander's counsel, Bobby L. Dallas, is unavailable on the date of the hearing due to his being in a trial out of state until March 24, 2017.
4. Mr. Dallas intends to substantially participate in the hearing of this matter in representation of Dr. Alexander.
5. If the hearing is not continued to a later date in either April or May, Dr. Alexander is unfairly deprived of Mr. Dallas' representation.
6. In fact, this motion had to be signed on behalf of Mr. Dallas due to his current unavailability out of state.
7. Dr. Alexander and his counsel respectfully request a continuance of the hearing date in this action, as proceeding under the circumstances would significantly and negatively impact Dr. Alexander's ability to present his side of this matter.

WHEREFORE, THE STATED PREMISES CONSIDERED, Dr. Alexander requests that his Motion for a Continuance be granted, and that the hearing in this action be continued to a future setting.

THIS the 1<sup>st</sup> day of March, 2017.

Respectfully Submitted,

LON F. ALEXANDER, M.D.

  
BOBBY L. DALLAS

Bobby L. Dallas, MSB No. 5778  
SESSUMS DALLAS, PLLC  
240 Trace Colony Park Drive, Suite 100  
Ridgeland, Mississippi 39157  
601.933.2040 - Telephone  
601.933.2050 - Facsimile

CERTIFICATE OF SERVICE

I, BOBBY L. DALLAS, do hereby certify that I have this day caused to be either hand-delivered or sent via e-mail, a true and correct copy of the above and foregoing Response to the following:

Mississippi State Board of Medical Licensure  
1867 Crane Ridge Drive, Suite 200-B  
Jackson, MS 39216  
(via hand-delivery)

Stan Ingram, Esquire  
Biggs, Ingram & Solop, PLLC  
Post Office Box 14028  
Jackson, Mississippi 39236-4028  
[singram@bislawyers.com](mailto:singram@bislawyers.com)  
(via e-mail)

THIS the 1<sup>st</sup> day of March, 2017.

  
BOBBY L. DALLAS



BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
IN THE MATTER OF PHYSICIAN'S LICENSE

OF

LON F. ALEXANDER, M.D.

SUMMONS

TO: Lon F. Alexander, M.D.  
36 Bridgefield Turn  
Hattiesburg, MS 39402

LICENSE NUMBER 10954

YOU ARE HEREBY SUMMONED to appear before the Mississippi State Board of Medical Licensure in its Executive Conference Room, 1867 Crane Ridge Drive, Suite 200-B, Jackson, Hinds County, Mississippi, on Thursday, March 16, 2017, at 10:00 A.M., to answer the charges filed against you in the matter now pending before this Board. The Mississippi State Board of Medical Licensure, charged by law with the licensing of medical doctors in this state, under Title 73, Chapter 25, Miss. Code Ann., charges that you, a physician duly licensed under the authority of the Mississippi State Board of Medical Licensure and the laws of the State of Mississippi, are guilty of violating an agreement with the Board and are guilty of unprofessional conduct, which includes, but is not limited to being guilty of any dishonorable or unethical conduct likely to deceive, defraud or harm the public.

Pursuant to Subsection (8)(d) and (13) of § 73-25-29 and § 73-25-83(a), Miss. Code Ann. (1972), as amended, such action constitutes grounds for which the Mississippi State Board of Medical Licensure may place your license on probation, the terms of which may be set by the Board, suspend your right to practice for a time deemed proper by the Board, revoke your Mississippi medical license or take any other

action in relation to your license as the Board may deem proper under the circumstances.

The Mississippi State Board of Medical Licensure further advises that you have the right to be present at the hearing, to be represented by counsel, to produce witnesses or evidence on your behalf, to cross-examine witnesses and to have subpoenas issued on your behalf by this Board.

You are advised that pursuant to the Board's Rules of Procedure, you must file an answer or response to this Summons/Affidavit within fifteen (15) days of the date that you receive the same or all matters asserted therein shall be deemed admitted. A full text of the Board's Rules of Procedure can be found at the Board's web-site, [www.msblml.ms.gov](http://www.msblml.ms.gov) or can be obtained from the Board's office.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 7th day of February, 2017.



JOHN K. HALL, M.D., J.D.  
EXECUTIVE DIRECTOR  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

I, Jonathan Dalton, Investigator of the Mississippi State Board of Medical Licensure, did personally serve an original copy of this Summons & Affidavit to Lon F. Alexander, M.D., on the 8th day of February, 2017, at 1:05 PM



Jonathan Dalton  
Investigator

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
IN THE MATTER OF THE PHYSICIAN'S LICENSE  
OF  
LON F. ALEXANDER, M.D.

STATE OF MISSISSIPPI

COUNTY OF HINDS

AFFIDAVIT

I, Kelli Harrell, Investigator, Mississippi State Board of Medical Licensure, hereinafter referred to as the "Board," do hereby make oath that I have reason to believe and do believe:

1. That Lon F. Alexander, M.D., hereinafter referred to as "Licensee," is a physician licensed to practice medicine in the State of Mississippi, currently holding License No. 10954. Said license is current until June 30, 2017.

LICENSURE HISTORY

2. That Licensee has a lengthy history of treatment for chemical dependency, including but not limited to the following known dates:

2008 – Betty Ford for three (3) months  
2012 – Betty Ford for one (1) month  
2014 – Acumen/Longitudinal followup Phase I, and Fitness to Practice Evaluation  
2015 – Acumen/Longitudinal followup Phase IIa, IIb, and III

3. That, in addition to the above mentioned treatment dates, Licensee has been subject to the following Recovery Contract Agreements (RCA):

2008 – Five (5) year contract  
2012 – Five (5) year contract  
2014 – Provisional contract

2014 – Lifetime contract

4. Licensee was sent a letter dated January 16, 2016, from then Executive Director H. Vann Craig, M.D. The letter is a past due account notice advising Licensee that he has failed to pay for his urine drug screens, with the balance "over nine months overdue." The letter goes on to state, in part:

*"Disregard for this and your failure to respond could be considered unprofessional conduct and grounds for disciplinary action by the Board."*

#### CURRENT CHARGES

5. That on September 27, 2016, and in an effort to further educate Licensee on the precarious nature of his licensure status due to his past non-compliance including but not limited to not paying the cost of his urine screens, Licensee presented for an in-person meeting at the Board's offices with new Executive Director John K. Hall, M.D., J.D. Following that meeting, a letter was submitted to Licensee in order to memorialize the discussion which took place. The letter states, in part:

*"However, your continued privilege to practice depends entirely on your ability to observe constraints of the Contract. You are being offered a final opportunity to conform to the terms of your Recovery Contract. No future deviation shall be tolerated. **Any** future deviation **of any kind** will result in prompt action on the part of the Board up to and including revocation of your license."*

6. That on January 10, 2017, the Board received information which indicates Licensee has not paid his UMC Toxicology bill and has an over ninety (90) day past due amount of \$178. The statement indicates Licensee failed to pay invoices issued on April 1, 2016, (due May 1, 2016). This information would show that, at the time Licensee met

with Dr. Hall at the Board's offices, Licensee knew or should have known his arrearage status.

7. That paragraph twenty-one (21) of Licensee's 2014 RCA states the following, in part:

*"Financial Responsibility. I agree to be responsible regarding my financial obligations. I understand MPHC considers financial responsibility, in general, an important element of recovery. Specifically, I accept my financial responsibility to MPHP, my licensure board, laboratory screening services, therapist, psychiatrists, etc."*

8. That the above described actions constitute direct violations of Licensee's 2014 RCA and, as such, places Licensee in violation of an agreement with the Board. Additionally, Licensee's failure to meet his financial responsibility in a responsible and timely manner constitutes unprofessional conduct.

#### COUNT I

Based upon the foregoing, Licensee is guilty of violating an agreement with the Board by virtue of Licensee's failure to pay toxicology lab costs, in violation of Paragraph 17 of the Recovery Contract Agreement dated November 12, 2015, all in violation of Miss. Code Ann., § 73-25-29(13).

#### COUNT II

Based upon the foregoing, Licensee is guilty of unprofessional conduct, including but not limited to any dishonorable or unethical conduct likely to deceive, defraud, or harm the public by virtue of Licensee's failure to pay toxicology lab costs and, in turn, failing to honor his end of the 2015 RCA with the Board, all in violation of Miss. Code Ann., § 73-25-29(8)(d).

Kelli Harrell

Kelli Harrell, Agent  
Mississippi State Board of Medical Licensure

SWORN TO AND SUBSCRIBED BEFORE ME this 7th day of

February, 2017.



Frances E. Carrillo  
Notary Public

**Complaint Counsel for the Mississippi State Board of Medical Licensure:**

Stan Ingram  
Biggs, Ingram & Solop, PLLC  
111 Capitol Building  
111 East Capitol Street, Suite 101  
Jackson, Mississippi 39201  
Mailing Address:  
Post Office Box 14028  
Jackson, Mississippi 39236-4028  
(601) 713-6318  
(601) 713-9484 facsimile

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

**IN THE MATTER OF THE PHYSICIAN LICENSE**

**OF**

**BRET ALEXANDER BOES, M.D.**

**CONSENT ORDER**

**WHEREAS, BRET ALEXANDER BOES, M.D.,** hereinafter referred to as "Licensee," is the current holder of Mississippi Medical License No. 14972, said license number expires on June 30, 2017;

**WHEREAS,** the Investigative Staff of the Mississippi State Board of Medical Licensure, hereinafter referred to as the "Board," has conducted an investigation of Licensee and has in its possession clear and convincing evidence which, if produced during the course of an evidentiary hearing, might substantiate that Licensee has submitted a fraudulent statement in connection with the licensing requirements; has failed to maintain complete patient records, including records regarding the issuance of controlled substances; has unlawfully prescribed Schedule II amphetamines for the purpose of weight loss; has prescribed controlled substances outside the course of legitimate professional practice; and is guilty of unprofessional conduct, which includes being guilty of any dishonorable or unethical conduct likely to deceive, defraud or harm the public by virtue of a sexual relationship with a patient;

**WHEREAS,** the above conduct, if established before the Board, constitutes violations of the Mississippi Medical Practice Act, specifically, Subsections (3), (8)(d), (8)(f) and (13) of § 73-25-29, Miss. Code Ann., and has violated the Uniform Controlled Substances Law, specifically, Subsection (e) of § 41-29-139, Miss. Code Ann., as

amended, for which the Board may revoke the medical license of Licensee, suspend it for a time deemed proper by the Board, or take any other action as the Board may deem proper under the circumstances;

**WHEREAS**, it is now the desire of Licensee to avoid an evidentiary hearing before the Board and, in lieu thereof, has agreed to enter into this Consent Order;

**NOW, THEREFORE**, the Mississippi State Board of Medical Licensure, with consent of Licensee as signified by his joinder herein, does hereby suspend Licensee's medical license, with said suspension immediately stayed, thereby placing Licensee's medical license on probation, subject to the following terms and conditions, to-wit:

1. Licensee shall secure advocacy from the Mississippi Professionals Health Program (MPHP) and comply with all requirements imposed by MPHP, including that which is set forth in the duly executed Recovery Contract Agreement (RCA) dated October 28, 2016, or any successor contracts or documents.
2. Licensee shall submit documentation of successful completion of the Prescribing Controlled Drugs and Distressed Physician courses as offered by the University of Florida within 12 months of the Board's acceptance of this order.
3. Licensee shall not prescribe, dispense or administer to staff, family members, or himself, any drug having addiction-forming or addiction-sustaining liability.
4. Licensee shall not seek employment or work in pain medicine, addiction medicine, or any medication assistant treatment (MAT) center. Future employment in the aforementioned specialties shall be at the sole discretion of the Board.
5. Licensee shall provide to the Board a monthly work itinerary by no later than the twenty-fifth (25th) day of the preceding month.
6. Licensee shall bear all costs related to testing or examinations required by the Board or its agents. Failure to promptly pay for testing constitutes a violation of this



Consent Order. Prompt payment is defined as payment in full within 90 days of issuance of any invoice for testing.

7. Licensee shall obey all federal, state and local laws, and all rules governing the practice of medicine in the State of Mississippi.
8. Licensee shall notify the Board within ten (10) days prior to departing the state to practice in another jurisdiction.
9. Licensee's practice shall be subject to periodic, unannounced surveillance or inspection by the Board. The Executive Director, or any member or agent of the Board, shall have a right at any time to inspect the practice location and records of Licensee, including but not limited to any and all medical records in any form or format including meta-data, orders for medication, prescriptions, billing records, any record deemed relevant by the Board or other document required to be maintained by Board Administrative Code or any statute or regulation.
10. In the event Licensee fails to comply with any of the conditions imposed by this Consent Order, the RCA, or other applicable laws or regulations, Licensee shall be immediately prohibited from practicing medicine, without a hearing, until such time as the Board and MPHP determine Licensee safe to return to the practice of medicine.
11. Licensee expressly agrees he will not seek or attempt to seek an appearance before the Board prior to the completion of the terms of this Order and, further, agrees the terms and conditions of this Order, once executed, may not be appealed.
12. Licensee shall have the right, but not the obligation, to seek an appearance before the Board for relief from this Consent Order after expiration of five (5) years from the date of execution of this Consent Order.

13. 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.

This Consent Order shall be subject to approval by the Board. If the Board fails to approve this Consent Order, in whole or in part, it shall have no force or effect on the parties. It is further understood and agreed that the purpose of this Consent Order is to avoid a hearing before the Board. In this regard, Licensee authorizes the Board to review and examine any documentary evidence or material concerning the Licensee prior to or in conjunction with its consideration of this Consent Order. Should this Consent Order not be accepted by the Board, it is agreed that presentation to and consideration of this Consent Order and other documents and matters pertaining thereto by the Board shall not unfairly or illegally prejudice the Board or any of its members from participation in any further proceedings.

Licensee understands and expressly acknowledges that this Consent Order, if approved and executed by the Mississippi State Board of Medical Licensure, shall constitute a public record of the State of Mississippi. Licensee further acknowledges that the Board shall provide a copy of this Order to, among others, the U.S. Drug Enforcement Administration, and the Board makes no representation as to action, if any, which any other agency or jurisdiction may take in response to this Order.


Recognizing his right to notice of charges, incorporated herein by reference, 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, **BRET ALEXANDER BOES, M.D.**, nevertheless, hereby waives his right to notice and a formal adjudication of the referenced charges and authorizes the Board to enter an order accepting this Consent Order, thereby placing his medical license on probation, subject to those terms and conditions listed above.

EXECUTED, this the 16<sup>th</sup>, day of March, 2017.

  
\_\_\_\_\_  
**BRET ALEXANDER BOES, M.D.**

ACCEPTED AND APPROVED, this the 16<sup>th</sup>, day of March, 2017,  
by the Mississippi State Board of Medical Licensure.

  
\_\_\_\_\_  
**CHARLES D. MILES, M.D.**  
Board President

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

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

**OF**

**BRET ALEXANDER BOES, M.D.**

**ORDER OF CONTINUANCE**

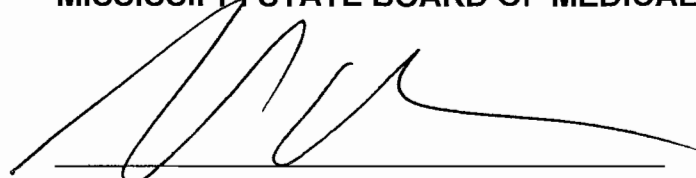
**THIS MATTER** came on regularly for hearing on January 12, 2017, before the Mississippi State Board of Medical Licensure (hereinafter "Board") in response to the request for a Continuance of the hearing set for this date filed by Bret Alexander Boes, M.D., (hereinafter "Licensee"). On August 30, 2016, the Board issued a Summons and Affidavit and Order of Temporary Action, wherein pending the scheduled hearing then set for September 22, 2016, Licensee was prohibited from practicing medicine. At the request of Licensee pro se, the matter was thereafter indefinitely continued. On January 4, 2017, a new Summons and Affidavit was issued and thereafter served on Licensee on January 5, 2017. Prior to receiving the new charges, Licensee had requested pro se that the hearing be conducted on January 12, 2017, thus waiving thirty (30) days notice as provided by statute. However, on January 9, 2017, Licensee retained counsel, Douglas G. Mercier, who promptly made entry of appearance and requested continuance of the matter, subject to the aforementioned prohibition. Accordingly, the Board finds Licensee's motion to be well taken.

**IT IS, THEREFORE, ORDERED**, that this matter is continued until the next regularly scheduled meeting of the Board, being March 16, 2017, at 10:00 AM, wherein all charges then pending before the Board will be heard.

**IT IS FURTHER ORDERED**, that pending the outcome of the hearing before this Board, Licensee shall be prohibited from practicing medicine, that is, prohibited from treating, counseling or otherwise offering any medical advise or services to patients.

**ORDERED**, this the 12th day of January, 2017.

**MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**

A handwritten signature in black ink, appearing to read 'John K. Hall', written over a horizontal line.

John K. Hall, M.D., J.D.  
Executive Director

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

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

**OF**

**IRINA VITALYEVNA BORISSOVA, M.D.**

**CONSENT ORDER**

**WHEREAS, IRINA VITALYEVNA BORISSOVA, M.D.**, hereinafter referred to as "Licensee," is the current holder of License No. 21550, issued June 15, 2011, for the practice of medicine in the State of Mississippi, said license to expire on June 30, 2017;

**WHEREAS**, the Mississippi State Board of Medical Licensure, hereinafter referred to as the "Board," has received the Agreed Order dated June 10, 2016, by the Texas Medical Board wherein Licensee agreed to certain requirements for her continuing licensure in the State of Texas;

**WHEREAS**, pursuant to Miss. Code Ann., § 73-25-29(9), the aforementioned actions by the Texas Medical Board constitutes public action against Licensee in another jurisdiction, serving as grounds for which the Mississippi State Board of Medical Licensure may revoke the Mississippi medical license of Licensee, suspend her right to practice for a time period deemed proper by the Board, place her license on probation, the terms of which may be set by the Board, or take any other action in relation to her license as the Board may deem proper under the circumstances;

**WHEREAS**, it is the desire of Licensee to avoid an evidentiary hearing before the Board and, in lieu thereof, has agreed to enter into this Consent Order;

**NOW THEREFORE**, the Mississippi State Board of Medical Licensure, with the consent of Licensee as signified by her joinder herein, does hereby place Licensee's

ability to practice medicine in the State of Mississippi on **probation**, with removal of said probation subject to the following terms and conditions:

1. Licensee agrees to successfully complete all CME and monitoring as required by the Texas Medical Board. Said CME, as required by the Texas Medical Board, shall be in addition to the required 40 hours of CME as stated in the Administrative Code of the Board. Licensee further agrees to provide documentation evidencing the successful completion of said CME to the Board upon completion, said documentation to be submitted within thirty (30) days of reporting successful completion to the Texas Board.
2. In the event Licensee practices in the State of Mississippi, Licensee agrees to practice monitoring, for any and all practice within Mississippi, as described within the Texas Order. Licensee shall notify the Board prior to any practice within Mississippi and submit an appropriate practice monitoring arrangement which must be approved by the Board in advance of any such practice.
3. Licensee agrees to provide a copy of this order, and a copy of the Texas Order, to any and all facilities or practice locations in Mississippi wherein Licensee practices currently or in the future.
4. Licensee agrees to comply with all other stipulations as stated in the Texas Order and any future orders or agreements rendered in other jurisdictions.
5. Licensee understands that, in order to lift this Order, she must comply with all terms stated herein, to include providing proof to the Board of her successful compliance and the lifting of the Texas Order. Upon the receipt of said proof, and confirmation to Licensee of same, this Order will automatically terminate. In

the event of noncompliance with this Order, after being determined pursuant to a full evidentiary hearing, Licensee shall be subject to further disciplinary action.

6. 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.

This Consent Order shall be subject to approval by the Board. If the Board fails to approve this Consent Order, in whole or in part, it shall have no force or effect on the parties. It is further understood and agreed that the purpose of this Consent Order is to avoid a hearing before the Board. In this regard, Licensee authorizes the Board to review and examine any documentary evidence or material concerning the Licensee prior to or in conjunction with its consideration of this Consent Order. Should this Consent Order not be accepted by the Board, it is agreed that presentation to and consideration of this Consent Order, and other documents and matters pertaining thereto, by the Board shall not unfairly or illegally prejudice the Board or any of its members from participation in any further proceedings.

Licensee understands and expressly acknowledges that this Consent Order, if approved and executed by the Board, shall constitute a public record of the State of Mississippi. Licensee further acknowledges that the Board shall provide a copy of this Order to, among others, the U.S. Drug Enforcement Administration, and the Board



makes no representation as to action, if any, which the U.S. Drug Enforcement Administration may take in response to this Order.

Recognizing her right to notice of charges specified against her, to have such charges adjudicated pursuant to Miss. Code Ann., § 73-25-27, to be represented therein by legal counsel of her choice, and to a final decision rendered upon written findings of fact and conclusions of law, **IRINA VITALYEVNA BORISSOVA, M.D.**, nevertheless, hereby waives her right to notice and a formal adjudication of the charges and authorizes the Board to enter an order accepting this Consent Order, thereby placing her medical license on probation, subject to those terms and conditions listed above.

**EXECUTED**, this the 14 day of January, 2017.



**IRINA V. BORISSOVA, M.D.**

**ACCEPTED AND APPROVED**, this the 16<sup>th</sup> day of March,

2017, by the Mississippi State Board of Medical Licensure.



**Charles Miles, M.D.**  
**Board President**

**EXECUTIVE SESSION  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
March 16, 2017**

AGENDA ITEM:    Examining Committee Report

In a motion made by Dr. Crawford, seconded by Dr. Easterling, and carried the Board voted to approve the Examining Committee's Report.

| <u>VOTE:</u>                | <u>FOR</u> | <u>AGAINST</u> | <u>ABSTAIN</u> | <u>ABSENT</u> |
|-----------------------------|------------|----------------|----------------|---------------|
| Claude D. Brunson, M.D.     | X          |                |                |               |
| Virginia M. Crawford, M.D.  | X          |                |                |               |
| S. Randall Easterling, M.D. | X          |                |                |               |
| C. Ken Lippincott, M.D.     | X          |                |                |               |
| William S. Mayo, D.O.       |            |                |                | X             |
| W. David McClendon, M.D.    | X          |                |                |               |
| Charles D. Miles, M.D.      | X          |                |                |               |
| Michelle Y. Owens, M.D.     | X          |                |                |               |
| J. Ann Rea, M.D.            |            |                |                |               |

With a motion by Dr. Crawford, seconded by Dr. Owens, the Board came out of Executive Session.



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Charles D. Miles, M.D.  
President

**EXECUTIVE SESSION**  
**MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**  
**March 16, 2017**

AGENDA ITEM: Donald Conerly, M.D., Consent Order

In a motion made by Dr. Miles, seconded by Dr. Owens, and carried the Board voted to approve the amended Consent Order.

| <u>VOTE:</u>                | <u>FOR</u> | <u>AGAINST</u> | <u>ABSTAIN</u> | <u>ABSENT</u> |
|-----------------------------|------------|----------------|----------------|---------------|
| Claude D. Brunson, M.D.     | X          |                |                |               |
| Virginia M. Crawford, M.D.  | X          |                |                |               |
| S. Randall Easterling, M.D. | X          |                |                |               |
| C. Ken Lippincott, M.D.     | X          |                |                |               |
| William S. Mayo, D.O.       |            |                |                | X             |
| W. David McClendon, M.D.    | X          |                |                |               |
| Charles D. Miles, M.D.      | X          |                |                |               |
| Michelle Y. Owens, M.D.     | X          |                |                |               |
| J. Ann Rea, M.D.            |            |                |                |               |

With a motion by Dr. Miles, seconded by Dr. Crawford, the Board came out of Executive Session.



Charles D. Miles, M.D.  
President

**EXECUTIVE SESSION  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
March 15, 2017**

AGENDA ITEM: Personal appearance by Dorothy Gillespie, M.D.

In a motion made by Dr. Crawford, seconded by Dr. Miles, and carried the Board approves the tendered Consent Order for Dr. Dorothy Gillespie.

| <u>VOTE:</u>                | <u>FOR</u> | <u>AGAINST</u> | <u>ABSTAIN</u> | <u>ABSENT</u> |
|-----------------------------|------------|----------------|----------------|---------------|
| Claude D. Brunson, M.D.     | X          |                |                |               |
| Virginia M. Crawford, M.D.  | X          |                |                |               |
| S. Randall Easterling, M.D. | X          |                |                |               |
| C. Ken Lippincott, M.D.     | X          |                |                |               |
| William S. Mayo, D.O.       |            |                |                | X             |
| W. David McClendon, M.D.    | X          |                |                |               |
| Charles D. Miles, M.D.      | X          |                |                |               |
| Michelle Y. Owens, M.D.     | X          |                |                |               |
| J. Ann Rea, M.D.            |            |                |                |               |

With a motion by Dr. Owens, seconded by Dr. Miles, the Board came out of Executive Session.



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Charles D. Miles, M.D.  
President

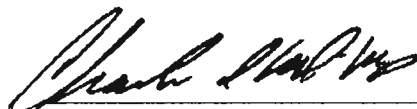
**EXECUTIVE SESSION**  
**MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**  
**March 16, 2017**

AGENDA ITEM: Hearing in the case of Arnold E. Feldman, M.D.

In a motion made by Dr. Easterling, seconded by Dr. Crawford, and carried the Board finds that Dr. Feldman's license has been disciplined by the State of Louisiana; that decision is currently under appeal; that this Board has the authority to take action against his license based on Louisiana's action. Therefore, this Board orders suspension of Dr. Feldman's license until October 2018, at which time he may petition the Board for reinstatement; however, if prior to that time Louisiana's decision is modified he may appear before the Board for reconsideration. This order goes into effect 4/17/2017.

| <u>VOTE:</u>                | <u>FOR</u> | <u>AGAINST</u> | <u>ABSTAIN</u> | <u>ABSENT</u> |
|-----------------------------|------------|----------------|----------------|---------------|
| Claude D. Brunson, M.D.     | X          |                |                |               |
| Virginia M. Crawford, M.D.  | X          |                |                |               |
| S. Randall Easterling, M.D. | X          |                |                |               |
| C. Ken Lippincott, M.D.     | X          |                |                |               |
| William S. Mayo, D.O.       |            |                |                | X             |
| W. David McClendon, M.D.    | X          |                |                |               |
| Charles D. Miles, M.D.      | X          |                |                |               |
| Michelle Y. Owens, M.D.     | X          |                |                |               |
| J. Ann Rea, M.D.            |            |                |                |               |

With a motion by Dr. Easterling, seconded by Dr. Crawford, the Board came out of Executive Session.



Charles D. Miles, M.D.  
President