

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

The regularly scheduled meeting of the Mississippi State Board of Medical Licensure was held on Thursday, November 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., President
J. Ann Rea, M.D., M.D., Secretary
S. Randall Easterling, M.D., Vicksburg
Virginia M. Crawford, M.D, Hattiesburg
C. Kenneth Lippincott, M.D., Tupelo
William S. Mayo, D.O., Oxford
David W. McClendon, Jr., M.D., Ocean Springs
Michelle Y. Owens, M.D., Jackson

ALSO PRESENT:

Stan T. Ingram, Complaint Counsel for the Board
Ellen O'Neal, Special Assistant Attorney General
Rhonda Freeman, Director, Licensure Division
Leslie Ross, Director, Investigative Division
Jonathan Dalton, Investigations Supervisor
Frances Carrillo, Staff Officer
Maj Gen (Ret) Erik Hearon, Consumer Health Committee

NOT PRESENT:

Claude D. Brunson, Vice President
Charles Thomas, Yazoo City, Consumer Health Committee
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. Mayo and the pledge was led by Dr. Easterling. Dr. Miles extended a welcome to all visitors present at the meeting.

Dr. Miles announced this was the last Board meeting for Ellen O'Neal, Special Assistant Attorney General who was retiring. Dr. Miles recognized Ms. O'Neal for her years of service to the Medical Board.

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

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Approval of certifications to other entities

347 licenses were certified to other entities.

Motion was made by Dr. Easterling, seconded by Dr. Crawford, and carried unanimously to approve.

Approval of licenses issued

139 licenses were issued.

Motion was made by Dr. Crawford, seconded by Dr. Easterling, and carried unanimously to approve.

Investigative Report for September 1, 2017 - October 31, 2017

Ms. Ross reported:

- Number of complaints received: 40
- Number of cases closed: 69
- Total number of open cases: 213
- Number of complaints sent to licensee for response: 6
- Number of FSMB reports re licensees: 20
- Number of NPDB reports re licensees: 9
- Recidivism appearances (counted as a previous EC visit and / Or appearance before the Board): 0
 - Licensees w/2 appearances: 0
 - Licensees w/3 appearances: 0
 - Licensees w/4 appearances: 0
- Number of disciplinary actions taken by the Board: 4
 - Voluntary surrender: 2
 - Temporary suspension: 1
 - Order of prohibition: 1

Motion was made by Dr. Crawford, seconded by Dr. Rea, and carried unanimously to approve.

REVIEW OF MINUTES OF THE EXECUTIVE COMMITTEE MEETING DATED SEPTEMBER 20, 2017, AND MINUTES OF THE BOARD MEETING DATED SEPTEMBER 21, 2017

Upon review of the minutes of the Executive Committee Meeting dated September 20, 2017, and minutes of the Board meeting dated September 21, 2017, Dr. Mayo moved for approval of the minutes as submitted. Dr. Crawford seconded the motion and it carried unanimously.

REPORT OF NOVEMBER 15, 2017, EXECUTIVE COMMITTEE MEETING

Dr. Rea briefly discussed the issues/appearances that were discussed by the Executive Committee on November 15, 2017. Information pertaining to the Executive Committee's decisions/recommendations is included in the Executive Committee Minutes.

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

BOARD RETREAT

Dr. Miles gave a brief report of the Board Retreat that was conducted October 14, 2017 at the Eagle Ridge Conference Center. The purpose of the Retreat was for the education and understanding of the function and duties of the Board. Plans are to have a Board Retreat on an annual basis.

REPORTS FROM COMMITTEES

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

Proposal to change Medical Board Policy # 3.15, Administration of Botox Injections (Joint Policy by the Mississippi State Board of Medical Licensure and the Mississippi State Board of Nursing). Proposal to remove the requirement that the patient to be examined and approved for treatment by the collaborative physician. The Committee plans to further investigate this matter and obtain input from the medical and nursing community.

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. Mayo advised the American Board of Interventional Pain Physicians (ABIPP) requested consideration to be recognized and approved by the Board for certification of registered pain practices. Recommendation is to invite them to give a presentation to the Board of the program's qualifications to be approved and added as pain practice certification.

Consideration to change the regulation, Part 2605 Chapter 3: Temporary Licensure Rule 3.1, It is the committee's recommendation to revise the rule "shall not apply to the U.S. Drug Enforcement Administration for a controlled substances registration certificate" to allow Interns and Residents to apply for a DEA certificate to better track controlled substance prescriptions in the prescription monitoring program from the training programs.

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Proposal to revise the regulation, Part 2635 Chapter 5: Practice of Telemedicine, Rule 5.7 Collaborative/Consultative Physician Limited. The committee recommends revising this rule allowing Level II Hospital Trauma Centers, adding the language, this Collaborative / Consultative practice may not begin until an onsite visit and approval has occurred by representatives of the Mississippi State Board of Medical Licensure.

The Regulation 2640, revisions are being incorporated and continuing work on the draft.

Dr. Mayo moved for approval of the above revisions as submitted. Dr. Crawford seconded the motion and it carried unanimously.

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

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

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

Dr. Easterling advised there was no new information to report. Dr. Easterling advised there are plans in the near future to provide Licensees education of changes to regulation after final adoption.

Physician Assistant Advisory Task Force - Dr. Crawford (Chair), Robert Philpot, 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 Physician Assistant Advisory Task Force discussed several topics, 1) Controlled Substance education course for Physician Assistants. The Advisory task force agreed to add a fourth option for controlled substance CME which would be 10 hours category I in addition to the courses listed on the website. This will increase CME options for PAs. 2) Addressed a request from North Mississippi Medical Center concerning whether PA could recover patients post bronchoscopy. The submitted protocol was broadly worded as written and was not recommended by the Advisory Task Force. Consideration would be given to individual protocols if training and supervision were appropriate for recovery. Propofol administration is not within the scope of a Physician Assistant. 3) Appointment of a new Advisory Task Force Chair is needed because Dr. Crawford's term on the Board expires on June 30, 2018.

Dr. Owens moved for approval of the above revisions as submitted. Dr. Crawford seconded the motion and it carried unanimously.

**HEARING IN THE CASE OF ANNIE BORDERS-BLACKWELL, D.O., CLEVELAND, MS
MISSISSIPPI MEDICAL LICENSE 20725**

Mr. Ingram advised that Dr. Blackwell had failed to appear on this date for the hearing.

Mr. Ingram entered several exhibits into the record.

Mr. Ingram briefly summarized the facts regarding the case of Dr. Blackwell.

Mr. Ingram provided the Board with a brief background and advised that Dr. Blackwell pled guilty to one count of conspiracy to distribute controlled substances on September 26, 2016. The Judgment was entered on December 21, 2016. In response to the plea of guilty and Judgment she was sentenced for eight months incarceration beginning February 27, 2017. Dr. Blackwell was released on October 22, 2017, followed by six months of home detention; a fine and a stipulation by the court that she would never be able prescribe controlled substances if she continues to practice.

Leslie Ross, Investigator for the Board was called to the witness stand and sworn in by the court reporter. Ms. Ross was questioned by Mr. Ingram as to the service of the Summons and Affidavit to Dr. Borders-Blackwell. Ms. Ross testified that a Summons and Affidavit was mailed to Licensee on September 18, 2016 and was received on September 26, 2017. Ms. Ross advised that she had spoken to Licensee by telephone on November 1st approximately one week after her release to confirm receipt of the Summons and Affidavit. Licensee acknowledged receipt of the documents and stated that she planned to request for a continuance. Ms. Ross testified she advised Licensee of the appropriated procedure in requesting a continuance.

Mr. Ingram question Ms. Ross if a request for a continuance had been received and Ms. Ross advised no request had been received and further, no communication has been made by Licensee since the telephone call on November 1st.

Following questions by the Board, a motion was made by Dr. Easterling, seconded by Dr. Mayo and carried that the Board enter into Executive Session to discuss a matter that could result in appealable order.

Upon a motion by Dr. Mayo, seconded by Dr. Crawford and carried the Board came out of Executive Session at which time Dr. Miles asked Dr. Rea to report on its decision. Dr. Rea advised that the Board finds Licensee guilty of Count One and Count Two. The Board revokes Dr. Borders-Blackwell's Mississippi medical license with the intent that this revocation be permanent. However, the Board recognizes that she has the right by statute to reapply for a medical license in the future.

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

**HEARING IN THE CASE OF THEOPHILUS OKEKE, M.D., HEMPSTEAD, NY,
MISSISSIPPI MEDICAL LICENSE NUMBER 17790**

Mr. Ingram advised that this case was on the docket in September 2017, and Dr. Okeke had failed to appear on that date for the hearing. The Board discovered that Licensee was not given the full thirty (30) days notice of the hearing as allowed by statute and a continuance was granted at the request of Mr. Ingram until the November, 2017 Board meeting.

Mr. Ingram entered several exhibits into the record.

Mr. Ingram briefly summarized the licensure history of Dr. Okeke.

Jonathan Dalton, Investigator for the Board was called to the witness stand and sworn in by the court reporter. Mr. Dalton was questioned by Mr. Ingram as to the nature of the charges based on action taken by the New York Medical Board for prescribing controlled substance violations. Mr. Dalton testified the Board received notification from the Federation of State Medical Boards that the New York Medical Board placed restrictions on Dr. Okeke's ability to prescribe controlled substances.

Mr. Ingram asked Mr. Dalton to read the New York Medical Boards charge; "During periods between in or about 2007 and 2014, Respondent failed to render appropriate care and treatment to patients A-F and prescribed controlled substances in an inappropriate manner to these patients."

Mr. Ingram asked Mr. Dalton regarding the discovery of the 28 day notice at the last Board meeting and that the matter was continued until November. Mr. Dalton testified Licensee had received Notice of Continuance on October 10, 2017. That has been more than 30 days notice

Mr. Dalton advised that in response to the New York action a letter was mailed to Dr. Okeke with a proposed Consent Order mirroring New York's action for his consideration or he could appear before the Board for a hearing as is customary when a Licensee has been disciplined by another jurisdiction. Mr. Ingram reviewed with Mr. Dalton each of the documents entered into the record as exhibits. Mr. Dalton answered questions by the Board members and Mr. Ingram.

A motion was made by Dr. Rea, seconded by Dr. Mayo and carried that the Executive Committee enter into Executive Session to a matter that could result in appealable order.

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Upon a motion by Dr. Crawford, seconded by Dr. McClendon and carried the Executive Committee came out of Executive Session at which time Dr. Miles asked Dr. Rea to report on its decision. Dr. Rea advised that the Board finds Licensee guilty of Counts One and Two. The Board revokes Dr. Okeke's Mississippi medical license.

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

**HEARING IN THE CASE OF ROBERT B. LEE, M.D., OCEAN SPRING, MS
MISSISSIPPI MEDICAL LICENSE 10711**

Mr. Ingram advised the Board is receipt of a Motion for Continuance and Stay of Proceedings from Dr. Lee. Licensee submitted his motion requesting a Stay to this matter and a continuance to resolve his licensure problems in Kentucky. Dr. Lee is currently under an Order of Temporary Action pending Hearing since September 7, 2017, and cannot practice in the State of Mississippi.

Neely C. Lyons, counsel for Licensee addressed the Board with Licensee's plan to resolve his licensure issues in the Kentucky Medical Board. Dr. Lee's licensure status in Kentucky, the Order of Temporary Suspension is to remain in effect.

THE BOARD RECESSED AT 10:18 A.M. AND RETURNED AT 10:37 A.M.

**HEARING IN THE CASE OF CHARLES SAMUEL FILLINGANE, D.O., MILTON, FL
MISSISSIPPI MEDICAL LICENSE 11114**

Mr. Ingram introduced Dr. Fillingane and his attorney, Philip Chapman. Mr. Ingram advised that Dr. Fillingane has been charged with 17 counts in violation of the Mississippi Medical Practice Act. Failure to maintain records, failure to notify the Board of change of address, incorrect address on a license renewal application and having been denied a medical license by the Alabama Medical Board of Examiners.

Mr. Ingram entered numerous exhibits into the record and provided the Board a summary of the 17 counts of violation of the Medical Practice Act.

Mr. Chapman provided an opening statement and advised the Board that Licensee is taking steps to correct the listed violations. Mr. Chapman contends that no patients were harmed under the care of Dr. Fillingane.

Dr. Fillingane was called to the witness stand and sworn in by the court reporter. Mr. Ingram asked Dr. Fillingane to give the Board his current practice location to which he answered Santa Rosa Correctional Institution in Milton, Florida. Mr. Ingram questions Licensee regarding the treatment of Patients #1 and #2, maintaining patient records, and his application for an Alabama medical license.

**THE BOARD RECESSES FOR LUNCH AT 12:00 PM
AND RETURNED AT 1:00 PM**

Dr. Fillingane's testimony continues. Several board members questioned Dr. Fillingane before he exited the witness stand. Following Dr. Fillingane's testimony, the Board offered Licensee a Consent Order of which the contents are known to Licensee and his attorney.

APPROVAL OF EXAMINING COMMITTEE FINAL REPORTS PURSUANT TO MISS. CODE §73-25-61

Motion was made by Dr. Crawford, seconded by Dr. Mayo to approve the Examining Committee's Final Report.

FOR INFORMATIONAL PURPOSES, JOHN HUNTER PHILLIPS, M.D., VOLUNTARY SURRENDER, BILOXI, MS, MISSISSIPPI MEDICAL LICENSE 10957

Mr. Ingram provides the Board with a brief summary regarding Licensee decision to execute a Voluntary Surrender of his Mississippi medical License.

FOR INFORMATIONAL PURPOSES, SAYED AHMED AAMIR RAZA, M.D., CONSENT ORDER, RIDGELAND, MS, MISSISSIPPI MEDICAL LICENSE 15393

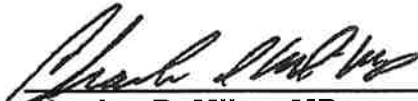
Mr. Ingram provides the Board with a brief summary regarding Licensee's appearance before the Executive Committee by which Licensee agreed to execute a Consent Order to obtain CME courses regarding HIPAA violation.

Motion was made by Dr. Crawford, seconded by Dr. Mayo, and carried unanimously to approve.

ADJOURN MEETING

The next meeting is scheduled for Wednesday, January 17, 2018, and for Thursday, January 18, 2018.

There being no further business, the meeting adjourned at 3:35 p.m.



Charles D. Miles, MD
President

**Minutes taken and transcribed
By Frances Carrillo
Staff Officer
November 16, 2017**

EXECUTIVE SESSION

DATE: November 16, 2017

AGENDA ITEM: Hearing in the case of Annie Borders-Blackwell, DO

MOTION

Guilty of count one – unanimous

Guilty of count two – unanimous

This Board revokes her medical license with the intent that the revocation be permanent. However the Board recognizes that she has the right by state to reapply for a medical license in the future.

MADE BY: Dr. Mayo

SECONDED BY: Dr. Crawford

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

MOTION TO GO OUT OF EXECUTIVE SESSION: Dr. Mayo

SECONDED BY: Dr. Crawford

RECORDED BY: Dr. Rea



Charles D. Miles, M.D.
President

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF PHYSICIAN'S LICENSE

OF

ANNIE BORDERS-BLACKWELL, D.O.

DETERMINATION AND ORDER

THIS MATTER came on regularly for hearing on November 16, 2017, before the Mississippi State Board of Medical Licensure (hereinafter "Board"), pursuant to Title 73, Chapter 25 of Mississippi Code (1972) Annotated. The Board initiated these proceedings on September 26, 2017, by issuance of a Summons and Affidavit against Annie Borders-Blackwell, D.O. (hereinafter Licensee) setting forth two (2) counts of violation of the Mississippi Medical Practice Act, specifically Count I, Miss. Code Ann. Section 73-25-29(4), and Count II, Miss. Code Ann. Sections 73-25-29(8)(d) and 73-25-83(a), all based upon Licensee having pled guilty to and having been convicted of a federal charge of illegal conspiracy of distributing a narcotic drug considered a controlled substance.

Licensee failed to appear either in person or by counsel. Complaint Counsel for the Board was Honorable Stan T. Ingram. Sitting as legal advisor to the Board was Honorable Ellen O'Neal, Assistant Attorney General. Board members present for the proceedings were Charles D. Miles, President; William S. Mayo, D.O.; Virginia Crawford, M.D.; S. Randall Easterling, M.D.; Ann Rea, M.D.; Ken Lippincott, M.D.; Michelle Y. Owens, M.D.; and William D. McClendon, Jr., M.D.

Based upon the evidence and testimony presented, the Board renders the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. That due and legal notice of the hearing of this Board for the purpose of considering disciplinary action has been given in the matter, time and form as required by law and the Rules or Regulations of this Board; and that the Board has full and complete jurisdiction to hear the Summons and Affidavit as filed herein.

2. Licensee is a physician licensed to practice medicine in the State of Mississippi, currently holding License No. 20725, issued July 15, 2009.

3. That on September, 26, 2016, Licensee waived her right of indictment and consented to prosecution by information before the United States District Court for the Eastern District of Louisiana, for one (1) Count of Conspiracy to Obtain Controlled Substances by Misrepresentations and Subterfuge, in violation of Title 21, United States Code, Sections 846 and 843(a)(3).

4. That Licensee, in her guilty plea, admitted as part of the factual basis for the Bill of Information that from a time prior to September, 2012 through April, 2013, she was the sole clinic physician at an unregistered pain management clinic in Kiln, Mississippi, wherein patients were given prescriptions for Roxicodone, a Schedule II controlled substance, at times when Licensee was not present at the clinic. Further, Licensee admitted that she would later sign forms ("Progress Notes") in the patients' files, dated for said clinic visits, making it appear from these records that Licensee had actually seen the patients on those dates. By generating and maintaining these misleading medical

records, the clinic owner, staff and Licensee were operating in conspiracy with the patients to obtain Roxicodone pills through misrepresentation and subterfuge.

5. That on December 21, 2016, following her plea of guilt and entry of Judgment of the Court, Licensee was committed to the custody of the United States Bureau of Prisons for a term of eight (8) months on Count I of the Bill of Information. Licensee was ordered to pay a four thousand (\$4,000.00) dollar fine and a one-hundred (\$100.00) dollar assessment fee. Upon her release from prison, Licensee will be placed on home detention for a period of six (6) months supervised release subject to the following conditions:

- (i) Licensee shall remain at her place of residence except for activities approved in advance by the probation officer. Defendant/ Licensee shall also wear an electronic device and shall observe the rules specified by the probation officer;
- (ii) Licensee shall provide complete access to financial information, including disclosure of all business and personal finances, to the United States Probation Officer;
- (iii) Licensee shall pay any fine that is imposed by the Judgment;
- (iv) Licensee shall not prescribe controlled substances for the treatment of non-cancer related pain, obesity, or addiction medicine. Nor shall Defendant/ Licensee receive any remuneration from, or have any ownership interest in or association with, any clinic or practice setting that advertises or holds itself out to the public as a clinic or practice for the care

and/or treatment of patients for chronic pain, obesity or substance addiction;

- (v) Licensee shall not prescribe, dispense, or administer any substance which may be classified, defined, enumerated, or included in C.F.R. §1308.11-.15 or Louisiana revised Statute §40:964, as a Schedule II or III controlled substance; and
- (vi) Licensee shall submit her person, residence, office or vehicle to a search, conducted by a U.S. Probation Officer at a reasonable time in a reasonable manner, based upon reasonable suspicion that contraband or evidence of a violation of a condition of supervision may exist; failure to submit to a search maybe grounds for revocation; and Defendant/ Licensee shall warn any other resident(s) that the premises may be subject to searches pursuant to this condition.

6. Subsequent to service of the Summons and Affidavit on Licensee, she did not file an answer or any other responsive pleading. Therefore, the Summons and Affidavit is taken as confessed.

CONCLUSIONS OF LAW

Based on the Findings of Fact noted above, Licensee is guilty of Counts I and II of the aforementioned Summons and Affidavit. Specifically, Licensee's guilty plea and subsequent sentencing, constitutes conviction of violation of any federal or state law regulating the possession, distribution or use of any narcotic drug or any drug considered a controlled substance under state or federal law; and guilty of unprofessional conduct,

including any dishonorable or unethical conduct likely to deceive, defraud, or harm the public, in violation of Miss. Code Ann., §§73-25-29(4) and (8)(d) and §73-25-83(a).

ORDER

IT IS THEREFORE ORDERED that based upon the Findings of Fact and Conclusions of Law enumerated above, Licensee's certificate to practice medicine in Mississippi is hereby revoked.

IT IS FURTHER ORDERED that Licensee shall reimburse the Board for all costs incurred in relation to this matter pursuant to Miss. Code Ann. Section 73-25-30. Licensee shall be advised of the total assessment by separate notification, and shall tender to the Board a certified check or money order on or before forty (40) days from the date the assessment is mailed to Licensee via U.S. mail at the address shown on file at the Board.

IT IS FURTHER ORDERED that pursuant to Miss. Code Ann. Section 73-25-27, a copy of this Determination and Order shall be sent by registered mail or personally served upon Licensee or his counsel.

SO ORDERED, this the 16th day of November, 2017.

MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

BY: 
CHARLES MILES, M.D., PRESIDENT

EXECUTIVE SESSION

DATE: November 16, 2017

AGENDA ITEM: Hearing in the case of Theophilus Okeke, MD

MOTION:

Count 1: guilty – unanimous

Count 2: guilty –unanimous

The Board has decided to revoke his medical license

MADE BY: Dr. Crawford

SECONDED BY: Dr. McClendon

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

MOTION TO GO OUT OF EXECUTIVE SESSION: Dr. Owens

SECONDED BY: Dr. Mayo

RECORDED BY: Dr. Rea



Charles D. Miles, M.D.
President

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF PHYSICIAN'S LICENSE

OF

THEOPHILUS OKEKE, M.D.

DETERMINATION AND ORDER

THIS MATTER came on regularly for hearing on November 16, 2017, before the Mississippi State Board of Medical Licensure (hereinafter "Board"), pursuant to Title 73, Chapter 25 of Mississippi Code (1972) Annotated. The Board initiated these proceedings on August 11, 2017, by issuance of a Summons and Affidavit against Theophilus Okeke, M.D. (hereinafter "Licensee"), setting forth two (2) counts of violation of the Mississippi Medical Practice Act, specifically Count I, Miss. Code Ann., § 73-25-29(9), and Count II, Miss. Code Ann., §§ 73-25-29(8)(d) and 73-25-83(a), all based on Licensee having been disciplined by the licensing authority of another state or jurisdiction which prevents or restricts practice in that jurisdiction. The hearing was initially scheduled for September 21, 2017, but by motion of the Board's Complaint Counsel, the matter was continued until this date.

Licensee failed to appear either in person or by counsel. Complaint Counsel for the Board was Honorable Stan T. Ingram. Sitting as legal advisor to the Board was Honorable Ellen O'Neal, Assistant Attorney General. Board members present for the proceedings were Charles D. Miles, M.D., President; William S. Mayo, D.O.; Virginia Crawford, M.D.; S. Randall Easterling, M.D.; Ann Rea, M.D.; Ken Lippincott, M.D.; Michelle Y. Owens, M.D.; and William D. McClendon, Jr., M.D.

Based upon the evidence and testimony presented, the Board renders the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. That due and legal notice of the hearing of this Board for the purpose of considering disciplinary action has been given in the matter, time and form as required by law and the Rules or Regulations of this Board; and that the Board has full and complete jurisdiction to hear the Summons and Affidavit as filed herein.

2. Licensee is a physician licensed to practice medicine in the State of Mississippi, currently holding License No. 17790. Said license is current until June 30, 2018.

3. On April 7, 2017, the Board obtained information via the Physician Data Center of the Federation of State Medical Boards regarding Licensee entering into a Consent Order, executed on April 6, 2017, with the New York State Board for Medicine, wherein Licensee agreed to certain requirements for his continued licensure in the State of New York. Those terms include, but are not limited to, restriction from prescribing controlled substances for a period of thirty-six (36) months, with Licensee's ability to practice medicine placed on probation during that same time period. A copy of said April 6, 2017, Consent Order with the New York State Board for Medicine was attached as an exhibit to the aforementioned Summons and Affidavit.

4. That on May 12, 2017, the Affiant tendered a Consent Order via certified mail for Licensee's consideration. As is customary, when action is taken by another licensing entity or jurisdiction, the Board will generally "mirror" the actions of the other jurisdiction. Accordingly, the terms of the Consent Order tendered to Licensee provided

conditions which mirrored those of the New York Consent Order. A cover letter accompanied said Consent Order and explained the nature of the documents offered for Licensee's consideration. Further, Licensee was advised that, in the event he chose to refuse the terms of the Consent Order, a Summons with supporting Affidavit would be forthcoming. Licensee was provided until June 9, 2017, to determine if he found the terms acceptable. Licensee accepted delivery of the letter and Consent Order on May 23, 2017.

5. On July 5, 2017, Licensee formally submitted a response in which he refused to execute the tendered Consent Order. The pertinent portions of the response state, in part:

"I have never practiced in <SIC> State of Mississippi and have no intention to do so since I am less than one year from retiring from active medical practice. The consent order is not applicable in my case since I am not practicing in the state. I intend to retain my license in case I plan to do academic medicine like teaching when I retire."

Licensee further stated in his response that he received bad legal advice and executed the New York Consent Order under duress.

6. Subsequent to service of the Summons and Affidavit on Licensee, he did not file an answer or any other responsive pleading. Therefore, the Summons and Affidavit is taken as confessed.

CONCLUSIONS OF LAW

Based on the Findings of Fact noted above, Licensee is guilty of Counts I and II of the aforementioned Summons and Affidavit. Specifically, by virtue of Licensee entering into the aforementioned Consent Order with the New York State Board for Medicine, Licensee has been formally (publically) disciplined by the licensing authority of another state or jurisdiction which prevents or restricts practice in that jurisdiction, a certified copy

of the disciplinary action taken by the other state or jurisdiction being prima facie evidence thereof, notwithstanding the pendency of any appeal, all in violation of Miss. Code Ann., § 73-25-29(9) and Miss. Code Ann., §§ 73-25-29(8)(d) and 73-25-83(a).

ORDER

IT IS THEREFORE, ORDERED that based upon the Findings of Fact and Conclusions of Law enumerated above, Licensee's certificate to practice medicine in Mississippi is hereby revoked.


IT IS FURTHER ORDERED that Licensee shall reimburse the Board for all costs incurred in relation to this matter pursuant to Miss. Code Ann., § 73-25-30. Licensee shall be advised of the total assessment by separate notification, and shall tender to the Board a certified check or money order on or before forty (40) days from the date the assessment is mailed to Licensee via U.S. mail at the address shown on file at the Board.

IT IS FURTHER ORDERED that pursuant to Miss. Code Ann., § 73-25-27, a copy of this Determination and Order shall be sent by registered mail or personally served upon Licensee or his counsel.

SO ORDERED, this the 16th day of November, 2017.

MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

BY:



CHARLES MILES, M.D., PRESIDENT

EXECUTIVE SESSION

DATE: November 16, 2017

AGENDA ITEM: Hearing in the case of Charles Samuel Fillingane, D.O.

MOTION:

After a conference, Board has decided to execute a consent order; the contents of which are known to licensee and his attorney

MADE BY: Dr. Crawford

SECONDED BY: Dr. Mayo

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

MOTION TO GO OUT OF EXECUTIVE SESSION: Dr. Crawford

SECONDED BY: Dr. Mayo

RECORDED BY: Dr. Rea



Charles D. Miles, M.D.
President

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE OF

CHARLES SAMUEL FILLINGANE, D.O.

ORDER OF CONTINUANCE

THIS MATTER came on regularly for hearing on September 21, 2017, before the Mississippi State Board of Medical Licensure, in response to a request for continuance of the hearing set for this date made by Charles Samuel Fillingane, D.O. (hereinafter "Licensee"), through his attorney, Philip J. Chapman. After consideration of the matter, the Committee finds Licensee's motion to be well taken.

IT IS, THEREFORE, ORDERED, that this matter is continued until November 16, 2017 at 10:00 a.m.

SO ORDERED, this the 21st day of September, 2017.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**

BY: _____


**CHARLES D. MILES, M.D.
PRESIDENT**

EXECUTIVE SESSION

DATE: November 16, 2017

AGENDA ITEM: Approval of Examining Committee Final Report, Pursuant to Miss Ann Code §73-25-61

MOTION: Board has decided to accept MPHP advocacy contract with the licensee

MADE BY: Dr. Crawford

SECONDED BY: Dr. Mayo

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

MOTION TO GO OUT OF EXECUTIVE SESSION: _____

SECONDED BY: _____

RECORDED BY: Dr. Rea



Charles D. Miles, M.D.
President

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
IN THE MATTER OF THE PHYSICIAN'S LICENSE
OF
JOHN HUNTER PHILLIPS, III, M.D.
ORDER ACCEPTING SURRENDER OF LICENSE

WHEREAS, John Hunter Phillips, III, M.D., hereinafter referred to as "Licensee", was licensed to practice medicine in the State of Mississippi on February 26, 1986, by issuance of Mississippi Medical License No. 10957;

WHEREAS, on April 28, 2017, Licensee was referred to the Mississippi Physician Health Program, hereinafter referred to as "MPHP", based on allegations of substance use and/or abuse pursuant to the Mississippi Disabled Physician Law, Miss. Code Ann. §73-25-53 et seq.;


WHEREAS, on June 2, 2017, Licensee entered into an Agreement with the MPHP, wherein Licensee agreed to, among other restrictions, not to practice medicine, directly or indirectly, until such time as he successfully completes an evaluation and complies with all recommendations of the evaluating facility; and

WHEREAS, following completion of the aforementioned evaluation, Licensee corresponded with the Mississippi State Board of Medical Licensure on September 27, 2017, asking for voluntary surrender of his license to practice medicine in the State of Mississippi, "effective immediately"; and

WHEREAS, Licensee has requested that the Mississippi State Board of Medical Licensure confirm his surrender of licensure.

NOW THEREFORE, the Mississippi State Board of Medical Licensure does hereby unconditionally accept the voluntary surrender of License No. 10957 to practice medicine in the State of Mississippi as previously issued to John Hunter Phillips, III, M.D. By virtue of said surrender, John Hunter Phillips, III, M.D. shall no longer practice medicine in the state of Mississippi under any circumstances, directly or in directly.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 30th day of October, 2017.



CHARLES D. MILES, M.D., BOARD PRESIDENT
MISSISSIPPI STATE BOARD OF MEDICAL
LICENSURE

Mississippi State Board of Medical Licensure
1867 Crane Ridge Drive, Suite 200-B
Jackson, MS 39216
(601) 987-3079 * (601) 987-4159 Fax

September 27, 2017
Via Fax, overnight delivery
Online request

Re: License for Practice of Medicine
John Hunter Phillips, III, MD
License # 10957

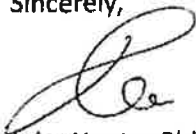
Dear Sirs:

By this notice I am asking for a voluntarily restriction ,surrender, or retirement of my Mississippi Medical License of 31 years to not practice medicine effective immediately. I no longer wish to practice medicine or have an active license in the State of Mississippi. I have enclosed my online pocket card. I do not possess my Mississippi wall diploma as it was lost in Hurricane Katrina.

Please approve this request and let me know when accepted by the Board.

Please grant me this Voluntary surrender (Retirement) request effective immediately as of today September 27, 2017.

Sincerely,



John Hunter Phillips, III, MD
MS License Number 10957
2550 Pass Road
Biloxi, MS 39531
228-861-2459