

**BOARD MINUTES  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
SEPTEMBER 21, 2017**

The regularly scheduled meeting of the Mississippi State Board of Medical Licensure was held on Thursday, September 21, 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  
Claude D. Brunson, Vice President  
J. Ann Rea, M.D., M.D., Secretary  
S. Randall Easterling, M.D., Vicksburg  
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, Bureau Director, Licensure Division  
Leslie Ross, Director, Investigative Division  
Jonathan Dalton, Investigations Supervisor  
Frances Carrillo, Staff Officer  
Wesley Breland, Hattiesburg, Consumer Health Committee  
Charles Thomas, Yazoo City, Consumer Health Committee

**NOT PRESENT:**

Virginia M. Crawford, M.D.  
Maj Gen (Ret) Erik Hearon, Consumer Health Committee

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

Dr. Miles recognized Angie Williamson, Projects Officer with an award for 10 years of service with the Mississippi Board of Medical Licensure.

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

Dr. Miles advised a Board Retreat has been scheduled October 14, 2017 at the Eagle Ridge Conference Center. The purpose of the Retreat is for the education and understanding of the function and duties of the Board.

**Approval of certifications to other entities**

350 licenses were certified to other entities.

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

**Approval of licenses issued**

173 licenses were issued.

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

**Bariatric and Pain Practice registrations**

Motion was made by Dr. Mayo, seconded by Dr. Brunson, and carried unanimously to accept.

**Investigative Report for July 1, 2017- August 31, 2017**

Ms. Ross reported:

Number of complaints received: 54

Number of cases closed: 28

Total number of open cases: 247

Number of complaints sent to licensee for response: 23

Number of FSMB reports re licensees: 34

Number of NPDB reports re licensees: 20

Recidivism appearances (counted as a previous EC visit and/ or appearance before the Board): 1

-licensees w/ 2 appearances: 0

-licensees w/ 3 appearances: 1

-licensees w/ 4 appearances: 0

Number of disciplinary actions taken by the Board: 2

-voluntary surrender: 1

-acceptance of consent order: 1

Motion was made by Dr. Brunson, seconded by Dr. Owens, and carried unanimously to approve.

**REVIEW OF MINUTES OF THE EXECUTIVE COMMITTEE MEETING DATED JULY 19, 2017, AND MINUTES OF THE BOARD MEETING DATED JULY 20, 2017**

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Upon review of the minutes of the Executive Committee Meeting dated July 19, 2017, and minutes of the Board Meeting dated July 20, 2017, Dr. McClendon moved for approval of the minutes as submitted. Dr. Rea seconded the motion and it carried unanimously.

**REPORT OF SEPTEMBER 20, 2017, EXECUTIVE COMMITTEE MEETING**

Dr. Miles briefly discussed the issues/appearances that were discussed by the Executive Committee on September 20, 2017. Information pertaining to the Executive Committee's decisions/recommendations is included in the Executive Committee Minutes. Dr. Miles advised the personal appearance for Alan Kevin Cole, M.D, was rescheduled to be heard by the Executive Committee on this date.

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

Dr. Miles recognized Dr. Christina Marrongelli, who requested to make a public comment. Ms. Marrongelli introduced herself and made a comment regarding the Board's complaint procedure. Dr. Marrongelli was thanked for her statement.

**REPORTS FROM COMMITTEES**

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

Dr. Lippincott 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 that the Committee met earlier and to discuss proposed changes to regulation; Part 2640, Prescribing, Administering and Dispensing. He reported that the full Board was present to discuss and vote to accept the proposed regulation. A motion was made by Dr. Easterling, seconded by Dr. Rea and carried to approve the regulation changes. The proposed regulation will be posted on the website for the Public comment period and will be considered for final adoption at the November Board meeting.

Also discussed is a request to revise Rule 5.7 Collaborative / Consultative Physician Limited for the practice of Telemedicine. A request was received to consider changing the requirement to include Level II Trauma Centers.

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

Dr. Brunson advised the Committee will be reviewing updates for the Telemedicine regulation. Efforts are being made to coordinate with the Board of Nursing, State Department of Health and the new regulation by the National Telemedicine Association.

Dr. Brunson advised that Interstate Licensure Compact is working to resolve the FBI background check issue to become a state of primary licensure.

**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.

**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**

Ms. Freeman advised there was no new information to report.

**SARAH GANTZ PANNEL, M.D., WINONA, MISSISSIPPI**  
**REVIEW FREESTANDING CLINIC APPLICATION**

Clint H. Trest, PMHNP was present but Dr. Pannel was not present to discuss the application for approval. Mr. Trest answered questions from the Board members pertaining to the application in regards to distance of the collaborative physicians. It was advised the collaborative physician should be addressing this application with the Board. It was determined more information is required from the collaborative physician before consideration to approve.

**CHRISTOPHER EUGENE CLARK, D.O., VICKSBURG, MISSISSIPPI**  
**MISSISSIPPI MEDICAL LICENSE 25241**

Dr. Miles advised Dr. Clark had difficulties with the Michigan Medical Board in regards to their Continuing Medical Education requirement. Dr. Clark was directed to complete all requirements by the Michigan Medical Board and was issued a permanent Mississippi medical license.

**GOVERNOR'S OPIOID AND HEROIN STUDY TASK FORCE**  
**PROPOSED REGULATION CONCERNING TITLE 30: PROPOSED REGULATION: PART 2640: PRESCRIBING, ADMINISTERING AND DISPENSING**

Dr. Easterling reported on the Governor's Task Force, members, mission and the resulting recommendations which were considered in the proposed changes for the Regulation, Part 2640, Prescribing, Administering and Dispensing.

**PROPOSED REGULATION CONCERNING TITLE 30: PROPOSED REGULATION: PART 2635: PRACTICE OF TELEMEDICINE**

Mr. Baker Cockrell was recognized. He introduced himself representing Forrest General Hospital in Hattiesburg, MS. He also introduced John Nelson, M.D., with the Forrest

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General Hospital Emergency Department. He reported a previous appearance before the Board proposing changes to the Telemedicine regulation to allow Trauma II Emergency Departments to utilize telemedicine.

Dr. Miles advised that the Board will be considering all aspects of updating the telemedicine and the Telemedicine Committee is making efforts in incorporating updates from several sources before drafting proposed updates to the regulation.

**THE BOARD RECESSED AT 9:50 A.M. AND RETURNED AT 10:08 A.M.**

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

The Board had received a written request from attorney, Philip Chapman for a continuance until the November Board meeting. Motion was made by Dr. Mayo, seconded by Dr. Rea, and carried unanimously to grant the Continuance until the November Board meeting.

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

**HEARING IN THE CASE OF XIULU RUAN, M.D., MOBILE, AL, MISSISSIPPI LICENSE NUMBER 19859**

Mr. Ingram provided the Board with a brief background and advised that Dr. Ruan has executed a Surrender of Medical License. Mr. Ingram advised Dr. Ruan's attorney, Tom Galloway is in communication with Dr. Ruan who is currently incarcerated at Oakdale Federal Correctional Facility. Mr. Galloway will forward a copy of the executed Surrender to the Board once he is in receipt from the correctional facility.

Following questions, a motion was made by Dr. Mayo, seconded by Dr. Owens and carried that the Board will accept the Surrender upon receipt of the document. If the document has not been received by the date of the November Board meeting the Board will proceed with a hearing.

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

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

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

Mr. Ingram entered several exhibits into the record.

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

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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 New York Medical Board placed restrictions on Dr. Okeke's ability to prescribe controlled substances. Mr. Dalton advised that in response to this 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.

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. Miles, seconded by Dr. Rea 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. Owens, seconded by Dr. Miles 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 discovered that Licensee was not given the proper notice of this hearing as allowed by statute and a continuance will be granted at the request of the Board attorney until the November 2017 Board meeting.

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 provided the Board with a brief background and advised that Dr. Lee had been summoned before the Board on this date as a result of having been disciplined by the licensing authority of another state and also having his medical staff privileges restricted or revoked by a licensed hospital. The Kentucky Medical Board rendered an Order of Temporary Action Emergency Suspension of his Kentucky medical license. Licensee is requesting an abeyance to this matter and a continuance to resolve his licensure problems in Kentucky.

Neely C. Lyons, counsel for Licensee addressed the Board with Licensee's plan to resolve his licensure issues in Kentucky. Following discussion and questions, a motion was made by Dr. Mayo, seconded by Dr. Easterling and carried to grant an abeyance of the matter until Dr. Lee addresses his licensure status in Kentucky, the Order of Temporary Suspension is to remain in effect.

**HEARING IN THE CASE OF VERENA VALLEY, M.D., CANTON, MISSISSIPPI,  
MISSISSIPPI MEDICAL LICENSE 15824**

Mr. Ingram introduced Dr. Valley and her attorney, Brady Mitchel. Mr. Ingram advised that Dr. Valley had executed a Consent Order on September 22, 2016, indefinitely suspending her Mississippi medical license preceded by issuance of Order of Temporary

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Action Pending Hearing on August 5, 2016 with a Summons and Affidavit. Mr. Ingram provided the Board with a brief background.

Mr. Ingram entered numerous exhibits into the record.

Mr. Mitchel provided an opening statement and advised that Dr. Valley is requesting reinstatement of her Mississippi medical license to return to practice.

Dr. Valley was called to the witness stand and sworn in by the court reporter. Mr. Mitchel asked Dr. Valley to address the events which resulted in the suspension of her license. Mr. Ingram questioned Dr. Valley. Several board members questioned Dr. Valley before she exited the witness stand.

**THE BOARD RECESSED AT 11:24 A.M. AND RETURNED AT 11:32 A.M.**

Dr. Scott Hambleton, Medical Director of the Mississippi Professionals Health Program (MPHP), was called to the witness stand and sworn in by the court reporter. In response to questions from Mr. Ingram, Dr. Hambleton provided the documentation of Dr. Valley's independent affiliation with MPHP and compliance of the recommended evaluation and clinical assessments. Dr. Hambleton further testified that the Committee of the Mississippi Professionals Health Program agreed to offer advocacy for Dr. Valley. Dr. Hambleton answered additional questions by the Board before he exited the witness stand.

A motion was made by Dr. Rea, seconded by Dr. Mayo 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. Mayo, seconded by Dr. Brunson 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 approves to reinstate the medical license with condition that she maintain advocacy with the MPHP for a minimum of five (5) years at which time she may petition the Board for termination of the advocacy requirement.

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

**THE BOARD RECESSED FOR LUNCH AT 12:11 P.M. AND RETURNED AT 1:15 P.M.**

**HEARING IN THE CASE OF NEIL BURTON SLOAN, M.D., CORINTH, MISSISSIPPI**  
**MISSISSIPPI MEDICAL LICENSE 19029**

Mr. Ingram introduced Dr. Sloan and his attorney, Jim Pettis. Mr. Ingram advised that Dr. Sloan is requesting to reinstate his controlled substance privileges

Mr. Ingram entered numerous exhibits into the record and provided the Board with a brief background.

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Mr. Pettis provided an opening statement and advised that Dr. Sloan is requesting reinstatement to prescribe schedule II controlled substances.

Dr. Sloan was called to the witness stand and sworn in by the court reporter. Mr. Ingram asked Dr. Sloan to provide to the Board in what he had done to change his practice. Dr. Sloan provided the Board how he has changed the management of his patients in treating pain. Several board members questioned Dr. Sloan before he exited the witness stand.

A motion was made by Dr. Lippincott, seconded by Dr. Miles 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. Owens, seconded by Dr. Mayo 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 grants Licensee's request to remove restrictions and reinstate to an unrestricted medical license.

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

**FOR INFORMATIONAL PURPOSES, ORDER OF PROHIBITION, WILLIAM ERIC BYRD, M.D., BRANDON, MS MISSISSIPPI MEDICAL LICENSE 21596**

When the Board received a letter from Dr. Hambleton, Medical Director of the Mississippi Recovery Health Program withdrawing advocacy of Dr. Byrd. This is in violation of his Provisional Contract Agreement and he was issued an Order of Prohibition on September 11, 2017, immediately prohibiting Licensee from practicing medicine until such time as the Board and MPHP determines that Licensee is able to return to the practice of medicine.

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

**PRESENTATION BY MPHP TO DISCUSS AN MPHP PARTICIPANT PURSUANT TO '73-25-51: DISABLED PHYSICIAN LAW. EXECUTIVE SESSION**

**PERSONAL APPEARANCE BY ALAN KEVIN COLE, M.D., HATTIESBURG, MS  
MISSISSIPPI MEDICAL LICENSE 21276  
MEETING WITH THE EXECUTIVE COMMITTEE MEMBERS ONLY**

Dr. Cole joined the meeting and was represented by legal counsel, Matt Miller. Dr. Cole executed a written agreement for this informal meeting, a copy of which is attached hereto and incorporated by reference.

Following introductions Dr. Miles asked Dr. Cole to discuss the use of ketamine and injection of stem cells for treatment of multiple sclerosis. Dr. Cole provided his education and training in the specialty of neurology in the treatment of headaches and pain management



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utilizing infusion therapy. Dr. Cole also provided the Board his treatment of patients utilizing stem cells for chronic conditions. He also described the manner he harvests the stem cells and administering to the patients. Dr. Cole was questioned regarding FDA approval and following FDA protocols.

Following questions by the Board, a motion was made by Dr. Miles, seconded by Dr. Rea and carried that the Executive Committee enter into Executive Session discuss a matter that may affect the Licensee. Upon a motion by Dr. Brunson, seconded by Dr. Miles 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 Executive Committee will recommend to the Board that this further investigation is needed in this matter.

**ADJOURNMENT**

The next two meetings are scheduled for Wednesday, November 15, 2017 and for Thursday, November 16, 2017.

There being no further business, the meeting adjourned at 2:42 p.m.

  
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**Charles D. Miles, MD  
President**

**Minutes taken and transcribed  
By Frances Carrillo  
Staff Officer  
September 21, 2017**

**EXECUTIVE SESSION  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
SEPTEMBER 21, 2017**

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

No action.

VOTE:

FOR    AGAINST    ABSTAIN    ABSENT

Charles D. Miles, M.D.  
Claude D. Brunson, M.D.  
J. Ann Rea, M.D.  
C. Ken Lippincott, M.D.  
William S. Mayo, D.O.  
W. David McClendon, M.D.  
Virginia M. Crawford, M.D.  
Michelle Y. Owens, M.D.  
S. Randall Easterling, M.D.

No executive session.



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**



BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

XIULU RUAN, M.D.

SURRENDER OF MEDICAL LICENSE

**WHEREAS, XIULU RUAN, M.D.**, hereinafter referred to as "Licensee," is the current holder of License Number 19859 issued on July 9, 2007, to practice medicine in the State of Mississippi;

**WHEREAS**, on February 24, 2017, The United States District Court for the Southern District of Alabama Southern Division issued an Order adjudging Licensee guilty of multiple violations of federal law, including: conspiracy to commit racketeering, conspiracy to distribute and dispense and unlawful distribution and dispensing of controlled substances in multiple schedules, prescribing outside the course of professional medical practice and not for legitimate medical purposes, conspiracy to commit healthcare fraud, conspiracy to violate the Anti-Kickback statute, wire and mail fraud, conspiracy to commit and committing money laundering.

**WHEREAS**, the aforementioned conviction and subsequent sentencing, constitutes conviction of a felony involving the distribution of a narcotic drug considered a controlled substance and 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) for which the Board may revoke the medical license of Licensee or take any other action as the Board may deem proper under the circumstances.

**NOW THEREFORE**, based upon the foregoing, Licensee agrees to voluntarily surrender his medical license (19859) to practice medicine in the State of Mississippi, and understands said surrender shall be effective immediately upon execution. Licensee understands this is an unconditional surrender, is reportable to the National Practitioner's Data Bank and other entities, such as the Federation of State Medical Boards, and is a public record of the State of Mississippi. Licensee further acknowledges and agrees to never seek application for a future license to practice medicine in the State of Mississippi.

Recognizing his right to notice of charges specified against him, to have such charges adjudicated pursuant to Miss. Code Ann. (1972), Sections 73-25-1 et seq., to be represented therein by legal counsel of his choice and to a final decision based upon written findings of fact and conclusions of law, Xiulu Ruan, M.D., nonetheless hereby waives his right to notice and a formal adjudication of charges and requests the Board to accept this Surrender of his license to practice medicine in the State of Mississippi.

**EXECUTED** this the 17<sup>th</sup> day of September, 2017.



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**Xiulu Ruan, M.D.**

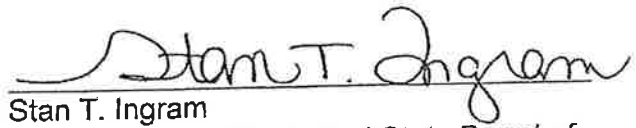
**ACCEPTED AND APPROVED** this the 21st day of September, 2017, by the Mississippi State Board of Medical Licensure.



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**Charles D. Miles, M.D.**  
**Board President**  
**Mississippi State Board of Medical Licensure**

APPROVED:

A handwritten signature in cursive script that reads "Stan T. Ingram". The signature is written in black ink and is positioned above a horizontal line.

Stan T. Ingram  
Attorney for the Mississippi State Board of  
Medical Licensure

APPROVED:

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Thomas M. Galloway, Jr.  
Attorney for Xiulu Ruan, M.D.


**EXECUTIVE SESSION  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
SEPTEMBER 21, 2017**

AGENDA ITEM: Hearing in the case of Theophilus Okeke, M.D.

In a motion made by Dr. Mayo seconded by Dr. Lippincott, and carried moved to allow a continuance until November 2017.

<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			

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

  
Charles D. Miles, M.D.  
President



**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
IN THE MATTER OF THE PHYSICIAN'S LICENSE OF  
THEOPHILUS OKEKE, M.D.**


**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 Board Counsel, Stan T. Ingram. After consideration of the matter, the Committee finds said 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  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
SEPTEMBER 21, 2017

AGENDA ITEM: Hearing in the case of Robert B. Lee, M.D.

No action.

VOTE:

FOR   AGAINST   ABSTAIN   ABSENT

Claude D. Brunson, M.D.  
Virginia M. Crawford, M.D.  
S. Randall Easterling, M.D.  
C. Ken Lippincott, M.D.  
William S. Mayo, D.O.  
W. David McClendon, M.D.  
Charles D. Miles, M.D.  
Michelle Y. Owens, M.D.  
J. Ann Rea, M.D.

No executive session.



Charles D. Miles, M.D.  
President

**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**  
**IN THE MATTER OF THE PHYSICIAN'S LICENSE**  
**OF**  
**ROBERT BLAIR LEE, M.D.**

**ORDER OF CONTINUANCE AND STAY OF PROCEEDINGS**

**THIS MATTER** came on regularly for hearing on September 21, 2017, before the Mississippi State Board of Medical Licensure (the "Board"), in response to a Motion for Continuance and Stay of Proceedings ("Motion"), made by Robert Blair Lee, M.D. (hereinafter "Licensee") through his attorney, Neely Carlton Lyons. After consideration of the matter, the Committee finds Licensee's Motion to be well taken.

**IT IS, THEREFORE, ORDERED**, that the hearing on this matter is continued and all proceedings by this Board with regard to this matter are stayed so that Robert Blair Lee, M.D. may seek to accomplish those directives set forth in Paragraph 4 of the Motion:

(1) Complete a Center for Personalized Education for Physicians (CPEP) assessment and (2) make a good-faith effort to pursue, via the filing of a formal request to the Kentucky Board of Medical Licensure, an expedited review of previous proceedings, with the ultimate goal of resolution of the licensure status of Robert Blair Lee, M.D. in the State of Kentucky.

**IT IS, FURTHER ORDERED**, that, pending further proceedings with regard to this matter before this Board, the Order of Temporary Suspension as to Robert Blair Lee, M.D. shall remain in full force and effect.

**SO ORDERED**, this the 21<sup>st</sup> day of September, 2017.

**MISSISSIPPI STATE BOARD OF  
MEDICAL LICENSURE**

BY: \_\_\_\_\_

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

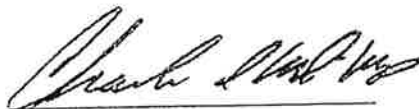
**EXECUTIVE SESSION  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
SEPTEMBER 21, 2017**

AGENDA ITEM: Hearing in the case of Verena Valley, M.D.

In a motion made by Dr. Mayo seconded by Dr. Brunson, and carried moved to reinstate her medical license with the condition that she maintain advocacy with MPHP for a minimum of 5 years, at which time she may petition the Board for termination of the advocacy requirement.

<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			

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



Charles D. Miles, M.D.  
President

**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**  
**IN THE MATTER OF THE PHYSICIAN'S LICENSE**  
**OF**  
**VERENA TERESA VALLEY, M.D.**

**ORDER REINSTATING LICENSE TO PRACTICE MEDICINE**

**THIS MATTER** came on regularly for hearing on September 21, 2017, before the Mississippi State Board of Medical Licensure, in response to the petition of Verena Teresa Valley, M.D. (hereinafter "Licensee"), seeking reinstatement of her license to practice medicine in the State of Mississippi. By virtue of that certain Consent Order dated September 16, 2016, Licensee's Medical License (No. 15824) was indefinitely suspended based on multiple violations of the Mississippi Medical Practice Law, including, but not limited to, prescribing controlled substances outside the course of legitimate professional practice, failure to maintain proper medical records and patient boundary issues.

Licensee was present, represented by Honorable Brady Mitchell; 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. Evidence and testimony was then taken. In response, the Board finds that subsequent to the suspension of her license, Licensee independently approached the Mississippi Professional Health Program (MPHP) and thereafter submitted to an evaluation by the Vanderbilt Comprehensive Assessment Program. As a result of the assessment, Licensee was found fit to practice on the condition that she enter and maintain a formal monitoring agreement with the MPHP. In compliance with this recommendation, the MPHP and Licensee have entered into a Recovery Contract


Agreement. Further, Scott Hambleton, M.D., Medical Director of the MPHP, testified on behalf of Licensee, confirming support and advocacy. Based upon the aforementioned evidence and testimony, the Board finds Licensee's petition to be well taken.

**THEREFORE, IT IS HEREBY ORDERED**, that Licensee's petition for reinstatement of her Medical License (No. 15824) is here by granted, subject to the condition that she maintain advocacy with the Mississippi Professional Health Program for a minimum of five (5) years, at which time she may petition the Board for termination of the advocacy requirement.

**IT IS FURTHER ORDERED**, that pursuant to Miss. Code Ann. Sections 73-25-27 and 73-25-32 (1972), a copy of this Order shall be sent by registered mail or personally served upon Verena Teresa Valley, M.D.

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

**MISSISSIPPI STATE BOARD OF  
MEDICAL LICENSURE**

BY:   
\_\_\_\_\_  
**CHARLES D. MILES, M.D.**  
**PRESIDENT**

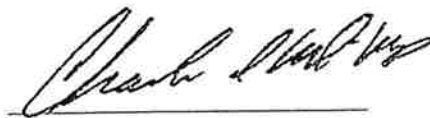
**EXECUTIVE SESSION  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
SEPTEMBER 21, 2017**

AGENDA ITEM: Hearing in the case of Neil Burton Sloan, M.D.

In a motion made by Dr. Owens seconded by Dr. Mayo, and carried moved to grant licensee's request to remove restrictions and reinstate full medical license.

<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			

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



Charles D. Miles, M.D.  
President

**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**  
**IN THE MATTER OF THE PHYSICIAN'S LICENSE**  
**OF**  
**NEIL BURTON SLOAN, M.D.**  
**ORDER REMOVING ALL RESTRICTIONS**

**THIS MATTER** came on regularly for consideration on September 21, 2017, before the Mississippi State Board of Medical Licensure, in response to the request of Neil Burton Sloan, M.D. (hereinafter "Licensee"), seeking removal of all restrictions on his license to the practice medicine in the State of Mississippi. By virtue of that certain Consent Order dated April 14, 2008, and subsequent orders, Licensee's use of controlled substances in the State of Mississippi has been restricted to Schedules III, IIIN, IV and V. The Board is now in receipt of a request by Licensee, through his attorney, James L. Pettis, III, for authorization to prescribe, administer and dispense controlled substances in Schedules II and IIN. Upon consideration of all evidence and testimony, the Board finds Licensee's request to be well-taken.


**IT IS HEREBY ORDERED**, that Licensee's request for removal of all restrictions on his license to practice medicine is hereby granted. Licensee now holds an unrestricted license to practice medicine in the State of Mississippi.

**IT IS FURTHER ORDERED**, that pursuant to Miss. Code Ann. Sections 73-25-27 and 73-25-32 (1972), a copy of this Order shall be sent by registered mail or personally served upon Neil Burton Sloan, M.D.

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

**MISSISSIPPI STATE BOARD OF  
MEDICAL LICENSURE**

BY: \_\_\_\_\_

  
CHARLES D. MILES, M.D.  
PRESIDENT



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

**OF**

**WILLIAM ERIC BYRD, M.D.**

**ORDER OF PROHIBITION**

**WHEREAS**, William Eric Byrd, M.D., hereinafter referred to as "Licensee," currently holds Mississippi Medical License Number 21596, said license is valid until June 30, 2018;

**WHEREAS**, on July 11, 2017, the Mississippi State Board of Medical Licensure, hereinafter referred to as the "Board," received a letter from the Mississippi Professionals Health Program, hereinafter referred to as the "MPHP," advising the Board that the MPHP could no longer provide advocacy for Licensee's continued practice of medicine, effective July 11, 2017, due to Licensee's non-compliance. Further, it was determined by the Mississippi Professionals Health Committee that Licensee is not fit to practice medicine with reasonable skill and safety to the public.

**WHEREAS**, the Board is now in possession of documents establishing that MPHP has withdrawn advocacy for Licensee due to his violation of the current Provisional Contract Agreement (PCA), as evidenced by the supporting affidavit attached hereto as Exhibit "A";

**WHEREAS**, paragraph 22 of the PCA dated December 7, 2016, and attached hereto as Exhibit "B," states, in part:

*In the event I (Licensee) should relapse or fail to comply with any of the conditions of this agreement, the MSBML shall have the authority, with recommendation from the MPHP/MPHC, to immediately prohibit me from practicing*

*medicine until such time as the MSBML and MPHP determines that I am able to return to the practice of medicine. In so doing, the MSBML and MPHP may require me to undergo further evaluation.*


**WHEREAS**, by virtue of the violation of the aforementioned PCA, the Board has the authority to prohibit Licensee from practicing medicine until such time as the Board determines that Licensee may return to the practice of medicine;

**NOW, THEREFORE, IT IS HEREBY ORDERED**, that as a result of Licensee's non-compliance as set forth by the attached affidavit and the July 11, 2017, notification from MPHP, Licensee shall be and is hereby **prohibited from practicing medicine** until such time as the Board and MPHP determines that Licensee is able to return to the practice of medicine. During any period of prohibition as provided herein, Licensee shall not seek reinstatement or renewal of his license.

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

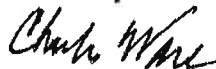
**ORDERED** this the 29<sup>th</sup> of August, 2017.

**Mississippi State Board of Medical Licensure**

  
\_\_\_\_\_  
Charles D. Miles, M.D.  
Board President

I, Charles Ware, Investigator  
personally served this Order of Prohibition  
subpoena/summons on  
William Eric Byrd, MD

This the 11<sup>th</sup> day of September, 2017.



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

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

**OF**

**WILLIAM ERIC BYRD, M.D.**

**AFFIDAVIT**

**STATE OF MISSISSIPPI**

**COUNTY OF HINDS**

I, Jonathan Dalton, CMBI, Investigations Supervisor, Mississippi State Board of Medical Licensure, do hereby make oath that I have reason to believe and do believe:

1. That William Eric Byrd, M.D., hereinafter referred to as "Licensee," was licensed to practice medicine in the State of Mississippi on July 1, 2011, by issuance of Mississippi Medical License Number 21596, said license expired on June 30, 2017.
2. That on July 11, 2017, the Mississippi State Board of Medical Licensure, hereinafter referred to as the "Board," received a letter from the Mississippi Professionals Health Program, hereinafter referred to as the "MPHP," advising the Board that MPHP could no longer provide advocacy for Licensee's continued practice of medicine, effective July 11, 2017. The letter states, in part:

*During the last week of May, 2017, he (Licensee) left Sober Living House without notifying Positive Sobriety Institute or MPHP. We attempted on several occasions to contact him unsuccessfully.*

*On June 22, 2017, Dr. Daniel Angres, Medical Director of Positive Sobriety Institute, sent a letter to MPHP which stated that, "The PSI treatment team currently recommends*

**EXHIBIT "A"**

*that Dr. Byrd not practice anesthesia at this time and also have encouraged Dr. Byrd to re-train in another specialty.”*

In addition to the aforementioned statements made in that certain letter from MPHP, a number of violations of Licensee's most recent Provisional Contract Agreement are expressed, to include violation of the Total Abstinence clause, Urine and/or Tissue Screens clause, Self-Help Group Attendance clause, Reporting Requirements clause, Periodic Re-Evaluation clause, and the Notification of Change in Status clause, all in addition to failing to follow all recommendations from Positive Sobriety Institute. The letter concludes by stating, in part:

*Unfortunately, Dr. Byrd is either unable or unwilling to comply with the terms of his Provisional Contract Agreement . . . MPHC has determined that it is not possible to effectively monitor Dr. Byrd. It is the opinion of MPHC that Dr. Byrd is not fit to practice medicine with reasonable skill and safety to the public at this time.*

2. That Licensee has an extensive history of affiliation with MPHP since his licensure in the State of Mississippi, to include Recovery Contract Agreements (RCAs) dated January 14, 2013, entered into with anonymity with the Board; September 26, 2013, due to a relapse on Benadryl; March 10, 2014, due to another relapse on Benadryl; and the current Provisional Contract Agreement (PCA) dated December 7, 2016, due to a relapse on opioids, all total representing four (4) recovery contracts in six (6) years.

**EXHIBIT "A"**

3. That the following represents events substantiating Licensee's struggles with maintaining advocacy with MPHP and, by extension, compliance with the Board:

- Missed call-in(s)/check-in(s) on the following dates: 3/22/13; 1/9/15; 1/29/15; 9/16/15; 5/23/16
- Positive or adulterated urinalysis on the following dates: 7/10/13; 8/9/13; 10/11/13; 10/17/16

4. That paragraph 22 of the PCA dated December 7, 2016, states, in part:

*In the event I (Licensee) should relapse or fail to comply with any of the conditions of this agreement, the MSBML shall have the authority, with recommendation from the MPHP/MPHC, to immediately prohibit me from practicing medicine until such time as the MSBML and MPHP determines that I am able to return to the practice of medicine. In so doing, the MSBML and MPHP may require me to undergo further evaluation.*

5. That by his signature and agreement to the PCA, Licensee understands and recognizes the Board's authority to immediately prohibit Licensee from the practice of medicine.



**Jonathan Dalton, CMBI**  
**Investigations Supervisor**  
**Mississippi State Board of Medical Licensure**

Sworn to and Subscribed Before me, this the 29<sup>th</sup> day of August, 2017.

*Frances E. Carrillo*  
**Notary Public**

**EXHIBIT "A"**



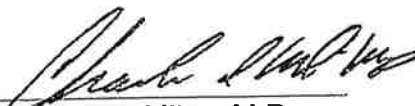
**EXECUTIVE SESSION  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
SEPTEMBER 21, 2017**

AGENDA ITEM: Disabled Physician Law §73-25-51

In a motion made by Dr. Mayo seconded by Dr. Easterling, and carried moved that the licensee will continue a lifetime recovery contract with MPHP with addition of monitoring by MSBML.

<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			

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

  
\_\_\_\_\_  
Charles D. Miles, M.D.  
President

**AGREEMENT TO APPEAR INFORMALLY BEFORE EXECUTIVE COMMITTEE  
BY CURRENT LICENSEE**

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

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

with legal counsel present (name of counsel: Matt Mizer)

without legal counsel present

EXECUTED, this the 21 day of Sept., 2017.

LICENSEE: Alan Cole M.D.

WITNESS: \_\_\_\_\_

**EXECUTIVE SESSION  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
SEPTEMBER 21, 2017**

AGENDA ITEM: Personal appearance by Alan Cole, M.D.

In a motion made by Dr. Brunson seconded by Dr. Miles, and carried moved a recommendation to the full board for further investigation.

<u>VOTE:</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Charles D. Miles, M.D.	X			
J. Ann Rea, M.D.	X			
Claude D. Brunson, M.D.	X			

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



Charles D. Miles, M.D.  
President