

May 4, 2017

What is an EC appearance?

You've just received a letter

Your letter is from the Mississippi Board of Medical Licensure ("the Board"). The letter indicates that you're requested to appear before the Board's Executive Committee ("EC"). The EC is composed of the officers of the Boards- the president, vice-president, and secretary. The members of the EC, like all board members, are nominated by the Mississippi State Medical Association, appointed by the Governor, and approved by the Senate. The executive director will also sit in but may not vote.

Licenses may be asked to appear before the EC. It's not really a request. It's a gentle way of saying that you're required to appear because the Board believes it has reason to talk with you. These appearances are not hearings in that oaths are not administered and testimony is not generally taken from anyone except the licensee although others may speak at the discretion of the EC. Licensees are permitted to have legal counsel who is also permitted to address the EC. These appearances are an opportunity for a licensee to explain an occurrence or action to peers. EC appearances may result in further investigation or disciplinary action subject to Board approval.

The executive director may help licensees avoid either EC appearances or Board hearings by conducting informal conferences or offering consent agreements. Essentially all executive director actions regarding licensees are subject to Board approval and may be vitiated by subsequent action of the Board.¹ Most Board correspondence arrives with the executive director's signature on behalf of the Board.

"What happens if I don't show up?"

That question arises occasionally. The members of the EC are likely to ask themselves "why would a licensee not show up?" In most cases licensees "miss" the hearing because they didn't get the notification because the Board has the wrong address. That is *not* an excuse. Specifically, Part 2610 Chapter 1, Rule 1.1 concerns changes of address "Any physician who is licensed to practice medicine in this state and changes his or her practice location or mailing address shall *immediately* notify the Board in writing of the change [emphasis added]. Failure to notify within thirty (30) days could result in disciplinary action."

While disciplinary action based *solely* on address changes are rare, failure to appear generally causes the investigation to continue and may result in additional actions by the Board.

Worse- if a licensee fails to show up then an opportunity may be lost to clarify information for the Board in a more "relaxed" venue.

¹ MS Code of 1972 as Amended. "The Executive Officer shall be vested with all the authority of the Board when it is not in session, and he shall be subject to such rules and regulations as may be prescribed by the Board."

Summary

When you receive a letter from the Board:

- 1) Open and read it. If it regards a hearing or EC appearance, read on.
- 2) Consider discussing it with legal counsel.
- 3) Contact (or have your attorney contact) the executive director to discuss options in lieu of an EC appearance or hearing. Realize that once you have counsel, the Board, the executive director and Board counsel will generally only contact you through your lawyer in regards to the matter unless your lawyer approves otherwise.

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Executive Director