

**BOARD MINUTES
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
MARCH 21, 2019**

The regularly scheduled meeting of the Mississippi State Board of Medical Licensure was held on Thursday, March 21, 2019, in the Board Room of the Office of the Board located at 1867 Crane Ridge Drive, Jackson, Mississippi.

THE FOLLOWING MEMBERS WERE PRESENT:

Claude D. Brunson, M.D., Jackson, President
J. Ann Rea, M.D., Columbus, Vice President
David W. McClendon, Jr., M.D., Ocean Springs, Secretary
Charles D. Miles, M.D., West Point
C. Kenneth Lippincott, M.D., Tupelo
Kirk L. Kinard, D.O., Oxford
H. Allen Gersh, M.D., Hattiesburg

ALSO PRESENT:

Stan T. Ingram, Complaint Counsel for the Board
Gloria Green, Special Assistant Attorney General
Kenneth Cleveland, Executive Director
Mike Lucius, Deputy Director
Anna Boone, Interim Director, Licensure Division
Leslie Ross, Director of Investigations
Kristin Wallace, Clinical Director of Physician Compliance
Jonathan Dalton, Investigations Supervisor
Frances Carrillo, Staff Officer
Major General (Ret.) Erik Hearon, Consumer Health Committee
Wesley Breland, Hattiesburg, Consumer Health Committee
Shoba Gaymes, Jackson, Consumer Health Committee

NOT PRESENT

Michelle Y. Owens, M.D., Jackson

The meeting was called to order at 10:12 a.m., by Dr. Brunson, President. The invocation was given by Mr. Breland and the pledge was led by Dr. Rea.

EXECUTIVE DIRECTOR REPORT

Dr. Cleveland provided a summary of the Licensure Division operations regarding licenses issued for the months of January and February 2019. The Licensure Division participated in Capital Day on January 30th. He provided a summary of the Investigative Division operations regarding Investigations for the January and February 2019. Dr. Cleveland listed presentations and an Investigative Division exhibit at the capitol on January 30th during Family Physicians Day.

Dr. Cleveland provided a brief update in upgrading the Board's Software system

BOARD MINUTES

MARCH 21, 2019

Page 2

REVIEW AND APPROVAL OF MINUTES OF THE EXECUTIVE COMMITTEE MEETING DATED JANUARY 16, 2019

Upon review of the minutes of the Executive Committee meeting dated January 16, 2019, Dr. McClendon moved for approval of the minutes as submitted. Dr. Rea seconded the motion and it carried unanimously.

REVIEW AND APPROVAL OF MINUTES OF THE BOARD MEETING DATED JANUARY 17, 2019

Upon review of the minutes of the Board meeting dated January 17, 2019, Dr. Miles moved for approval of the minutes as submitted. Dr. McClendon seconded the motion and it carried unanimously.

REVIEW AND APPROVAL OF MINUTES OF THE BOARD MEETING DATED FEBRUARY 19, 2019

Upon review of the minutes of the Board meeting dated February 19, 2019, Dr. Rea moved for approval of the minutes as submitted. Dr. McClendon seconded the motion and it carried unanimously.

REPORT OF JANUARY 16, 2019, EXECUTIVE COMMITTEE MEETING

Dr. McClendon reported on the matters discussed by the Executive Committee on March 20, 2019, and recommendations made. Information pertaining to the Executive Committee's recommendations is included in the Executive Committee minutes, which are attached hereto and incorporated by reference.

Dr. Brunson called for a vote to accept the recommendations of the Executive Committee, and the Board unanimously voted to accept and ratify the recommendations of the Executive Committee.

REPORTS FROM COMMITTEES

Scope of Practice - Dr. Rea (Chair), Dr. Owens, Dr. Miles, Dr. Kinard, Dr. Gersh, Dr. McClendon, Mr. Breland, Ms. Gaymes

Dr. Rea advised the Scope of Practice Committee met this morning at 9:00 a.m. to discuss the possibility of medical marijuana legislation. She briefly listed evidences and recommendations of AMA, FSMB guidelines, other State Medical Boards and input from the attorney representing the Mississippi Ballot initiative Medical Marijuana 2020.

The Scope of Practice Committee is issuing a statement that additional quality studies is needed to be performed in the area of medical marijuana in its effects and adverse effects before this Board can take a position on this matter.

Dr. Rea report there will be further meetings on the topic of medical marijuana.

Professionals Health Program - Dr. Lippincott (Chair), Dr. Gersh, Dr. Rea, Dr. Miles, Maj Gen (Retired) Hearon, Ms. Gaymes

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

BOARD MINUTES

MARCH 21, 2019

Page 3

Telemedicine | Interstate Licensure Compact - Dr. McClendon (Chair), Dr. Miles, Dr. Kinard, Dr. Lippincott, Maj Gen (Retired) Hearon, Mr. Lucius

Dr. McClendon briefly updates that the Licensure Compact Personnel Committee for the Compact is tasked with helping to grow the organizational framework of the organization. Current discussion regarding the Executive Director and 360 evaluation.

Licensees Education and Communication - Dr. Owens (Chair), Dr. McClendon, Dr. Gersh, Dr. Kinard, Dr. Rea, Dr. Lippincott, Mr. Breland, Ms. Gaymes, Mr. Lucius

Dr. Owens was not present to report.

Physician Assistant Advisory Task Force - Dr. McClendon (Chair), Dr. Kinard, Robert Philpot, Jr., PhD, PA-C, Joanna Mason, PA-C, Lauren English, Phyllis Johnson, Board of Nursing, Tristen Harris, PA-C, Leah Calder, PA-C, Gavin Nowell, Mr. Jonathan Dalton, Maj Gen (Retired) Hearon

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

Rules, Regulation & Legislative - Dr. Miles (Chair), Dr. Gersh, Dr. Rea, Dr. Owens, Dr. Lippincott, Mr. Breland, Ms. Hope Ladner

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

OTHER BUSINESS

FSMB 2019 Annual Meeting – Fort Worth, TX, April 24-27, 2019

Brief discussion regarding members attending the Annual meeting.

Nomination Committee

Dr. Brunson advised of appointments of a Nominations Committee to elect the officers for the upcoming year beginning in July.

Appointed are, Dr. Miles (chair), Maj Gen Hearon, Dr. McClendon and Dr. Lippincott to serve on the Nominations Committee.

New Board Members

Dr. Brunson recognized two new Board members, Thomas Joiner, M.D. and Daniel Edney, M.D.

Court Reporter

Dr. Brunson recognized Aleshia Johnson, Court Reporter with Aspire Reporting, LLC.

SURRENDER OF MEDICAL LICENSE FOR EARNEST LEE RANKIN, M.D., JACKSON, MS MISSISSIPPI MEDICAL LICENSE NUMBER: 07703

For informational purposes Dr. Cleveland briefly summarized the circumstances of Dr. Rankin voluntarily surrendering his medical license on March 5, 2019.

Upon a motion by Dr. Miles seconded by Dr. Kinard and carried unanimously to accept the Surrender of Medical License.

A copy of the Surrender of Medical License is attached hereto and incorporated by reference.

APPROVAL OF CONSENT ORDER FOR SAMUEL MARCUS ALLEN, II, M.D., QUITMAN, MS
MISSISSIPPI MEDICAL LICENSE NUMBER: 06374

Dr. Cleveland briefly summarized the Consent Order executed by Dr. Allen.

Upon a motion by Dr. Rea seconded by Dr. Gersh and carried unanimously to approve the Consent Order.

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

HEARING IN THE CASE OF ARTURO E. BLANCO, M.D., CLINTON, MS
MISSISSIPPI MEDICAL LICENSE NUMBER: 19620

Mr. Ingram introduced Dr. Blanco and his attorney Jonathan Werne. Mr. Ingram briefly summarized Dr. Blanco's Board action and advised that this is a petition to remove restrictions imposed on Dr. Blanco which included submission to an evaluation, continuing medical education, prohibited from collaborating with mid-level providers, restricted from prescribing Schedule II controlled substances, agreed not to seek an appearance before the Board before a period of one year and reimburse the Board of assessment of investigative cost. Mr. Ingram enters Dr. Blanco's original Consent Order, Petition to the Board with documents regarding compliance into the record.

Mr. Werne addresses the Board and summarizes Dr. Blanco's compliance to the Board's March 26, 2018, Consent Order.

Following questions from Board members, a motion was made by Dr. Rea, seconded by Dr. Miles and carried that the Board meeting be closed to discuss whether to enter into executive session on this matter.

A motion was made by Dr. Rea, seconded by Dr. Miles and carried that the Board enter into executive session. Ms. Green announced that the Board would enter into executive session for the purpose of considering or not restrictions be lifted from Dr. Blanco's medical license which the consideration could lead to an appeal of the Board's decision.

Upon a motion by Dr. McClendon, seconded by Dr. Rea and carried, the Board came out of Executive Session at which time Dr. Brunson asked Dr. McClendon to report on its decision. Dr. McClendon advised that pending routine MPHP oversight that all restrictions on his license be lifted with the effective date of April 18, 2019.

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

The official account of this proceeding was recorded by Aleshia Johnson, Court Reporter, Aspire Reporting, LLC.

BOARD MINUTES

MARCH 21, 2019

Page 5

**HEARING IN THE CASE OF JAMES L. HOLZHAUER, M.D., COLUMBUS, MISSISSIPPI
MISSISSIPPI MEDICAL LICENSE NUMBER: 11477**

Mr. Ingram makes an oral request that this matter be dismissed without prejudice based upon an agreement with Dr. Holzhauer that he not practice in a hospital environment, not practice gynecological / obstetrical medicine and limit his practice to an office based medical practice.

A motion was made by Dr. Miles, seconded by Dr. Kinard and carried that the Board Dismisses this matter without prejudice and accepts the agreement with Dr. Holzhauer

A copy of the Order of Dismissal Without Prejudice is attached hereto and incorporated by reference.

The official account of this proceeding was recorded by Aleshia Johnson, Court Reporter, Aspire Reporting, LLC.

**APPROVAL OF CONSENT ORDER FOR ROBERT B. LEE, M.D., OCEAN SPRINGS, MS
MISSISSIPPI MEDICAL LICENSE NUMBER: 10711**

DR. MCCLENDON RECUSED HIMSELF AND EXITED THE MEETING

Mr. Ingram briefly summarized Dr. Lee's last appearance before the Board's and the decision to deny his request for reinstatement based upon the action taken by the Kentucky Medical Board. The Board's decision was appealed to the Chancery Court of the 1st Judicial District of Hinds County. Mr. Garriga wishes to present a consent order to the Board which would result in the dismissal of the appeal which is pending. Mr. Ingram introduced Dr. Lee and his attorney Mark Garriga and Anna Morris.

Mr. Garriga addresses the Board and advises that the Chancery Court has stayed this matter to allow the parties to reach a resolution. Mr. Garriga advised that Dr. Lee wishes to present a consent order as a proposal to the Board to resolve this matter.

Mr. Garriga briefly summarized the events beginning with the Kentucky Medical Board until the filing of the appeal with the Chancery Court. Mr. Garriga reviews the proposed Consent Order terms and conditions for the Board.

Following questions from Board members, a motion was made by Dr. Rea, seconded by Dr. Kinard and carried that the Board meeting be closed to discuss whether to enter into executive session on this matter.

A motion was made by Dr. Rea, seconded by Dr. Kinard and carried that the Board enter into executive session. Ms. Green announced that the Board would enter into executive session for the purpose of considering pending litigation and the Consent Order in the matter of Robert Blair Lee's medical license.

Upon a motion by Dr. Miles, seconded by Dr. Kinard and carried, the Board came out of Executive Session at which time Dr. Brunson asked Dr. Rea to report on its decision. Dr. McClendon advised Dr. Lee has met the original requirements set forth by the Kentucky Medical Board, The Board will accept the Consent Order, amended to require written reports from the proctoring surgeon at 2, 4, 6- and 12-month intervals.

BOARD MINUTES

MARCH 21, 2019

Page 6

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

THE BOARD RECESSES FOR LUNCH AT 11:48 A.M. AND RETURNED AT 1:04

OTHER BUSINESS

3.20 Hospice Referral and Palliative Care Policy

Dr. Brunson advised that he and Dr. Cleveland had a meeting earlier on this date with the Legislature regarding the Mississippi State Board of Medical Licensure's Policy, 3.20 Hospice Referral and Palliative Care. All parties came to an agreement to recommend to the board to rescind this policy with the understanding that the Medical Directors and attending physicians in Hospice will continue to function in the manner to which they have with no enforcement action taken against them. The Board will coordinate meetings with all parties to draft a policy that is more clear that protects the public and not impede the ability of the Hospice Medical Directors and attending physicians to give quality for those patients and their families who find themselves in that critical time.

Upon a motion by Dr. Rea, seconded by Dr. Kinard and carried, the Board accepts the recommendation to rescind Policy 3.20, Hospice Referral and Palliative Care without enforcement action against Medical Directors and attending physicians while participating in the care of Hospice patients.

Dr. Brunson Announces His Departure as a Mississippi State Board Of Medical Licensure Board Member

Dr. Brunson gives recommendations of interim officers to be as follows, Ann Rea, M.D., President, David McClendon, Vice President and Michelle Owens, M.D., Secretary until the next Board meeting when the Board officially elect officers.

Upon a motion by Dr. Miles, seconded by Dr. Kinard and carried, the Board accepts the recommendation for the Ann Rea, M.D., President, David McClendon, Vice President and Michelle Owens, M.D., Secretary to serve as interim officers until the next Board Meeting.

MAY EXECUTIVE COMMITTEE MEETING AND BOARD MEETING DATES SET FOR WEDNESDAY, MAY 8 AND THURSDAY, MAY 8, 2019

ADJOURNMENT

There being no further business, the meeting adjourned at 1:12 p.m.



Claude Brunson, M.D.
President

Minutes taken and transcribed
By Frances Carrillo
Staff Officer
March 21, 2019

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

EARNEST LEE RANKIN, M.D.

SURRENDER OF MEDICAL LICENSE

WHEREAS, EARNEST LEE RANKIN, M.D., hereinafter referred to as "Licensee," is the current holder of Medical License Certificate Number 07703, issued on August 9, 1976, to practice medicine in the State of Mississippi;

WHEREAS, Licensee has appeared as a Respondent to Summons for Licensure Hearing on two previous occasions for unprofessional conduct. In January, 1988, pursuant to an investigation by the Board of Licensee's prescribing and distribution of controlled substances and other addiction-forming drugs, Licensee entered into a Consent Agreement with the Board in resolution of the matter, whereby Licensee surrendered his U.S. Drug Enforcement Administration (DEA) Registration Certificate, and his medical license was suspended for a period of five years, with the suspension stayed, pending Licensee's compliance with certain terms and conditions set by the Agreement, after which Licensee had the right to petition the Board for reduction or removal of the restrictions on his license and for the ability to re-apply for a Registration Certificate with the DEA. On February 20, 1997, pursuant to Licensee's petition, the restrictions imposed by the Board in 1988 were removed and resulted in an unrestricted medical license. Licensee subsequently applied for and was issued a Registration Certificate by the DEA;

WHEREAS, Licensee appeared as a Respondent to Summons for Licensure Hearing pursuant to his Federal conviction and sentencing, following his entry of a guilty plea before the United States District Court, Southern District of Mississippi, at Jackson, Mississippi, for violation of Title 18 U.S.C. §371, Conspiracy to Violate the Anti-Kickback Statutes and Conspiracy to Steal Funds from Medicare. Licensee was sentenced to Probation for a period of five years and ordered to pay restitution. Represented by counsel before the Board, on November 15, 2012, Licensee acknowledged his signing of medical necessity and order forms authorizing delivery of motorized wheelchairs for Medicare beneficiaries who were not medically eligible, as previously investigated and alleged by the U.S Department of Health and Human Services, and of Licensee's acceptance of cash provided him by another co-conspirator, in return. In lieu of a Board Hearing, Licensee entered a Consent Order with the Board, thereby suspending his medical license for a term of five years, with the suspension stayed, pending his compliance with certain stipulated terms and conditions;

WHEREAS, on October 11, 2018, in response to an Administrative Inspection and Search Warrant obtained by the Board's Investigative Staff served at his practice clinic in reference to controlled prescription orders issued to thirty-three (33) patients, Licensee failed to produce five (5) patients' records in justification of multiple narcotic or benzodiazepine prescriptions issued in the patients' names, with such acts in violation of the Administrative Code of the Board. A review of the entries made within the twenty-seven (27) patients' records which were produced detected omissions and errors by Licensee in the treatment rendered, and in the documentation of his justification for

multiple therapies, such as, among other violations, the failure to initiate and record a plan or agreement with individual patients for Board-defined “de facto chronic pain” patients;

WHEREAS, the Investigative Staff of the Board has conducted a comprehensive investigation into the practice of Licensee, and has documented evidence which, if produced during the course of an evidentiary hearing, would substantiate that Licensee has violated certain provisions of the Mississippi Medical Practice Law, specifically, Subsections (3), (8)(d), and (13) of §73-25-29 and §73-25-83(a), Miss. Code Ann., as amended, including but not limited to provisions of the Board’s Administrative Code, Title 30 Part 2640, pertaining to the administering, prescribing and dispensing of controlled substances, 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, Licensee wishes to avoid an evidentiary hearing before the Board by voluntarily relinquishing his right to practice medicine in the State of Mississippi. Pursuant to Mississippi Code, Ann., §73-25-30, Licensee shall pay all such investigative costs as are allowed by law. Licensee shall be advised of the total assessment by separate written notification and shall have a certified check or money order made payable to the Mississippi State Board of Medical Licensure, on or before forty (40) days from the day of acceptance and approval of this surrender by the Board and notice to Licensee.

NOW, THEREFORE, Licensee hereby **voluntarily surrenders** his medical license (Number 07703) to practice medicine in the State of Mississippi. Licensee understands that this is an unconditional surrender, is reportable as disciplinary action to


the National Practitioner Data Bank and is a public record of the State of Mississippi. In the event Licensee later decides to practice medicine as a physician in the State of Mississippi, it will be necessary for him to submit a new application with the Board. At such time, the Board reserves the right to utilize all evidence, including all facts developed during the current investigation, and may require and compel the applicant to attend and successfully complete a professional skills evaluation and/or competency examination, as part of the consideration of any such application.

EXECUTED, this the 5 day of March, 2019.


Ernest Lee Rankin, M.D.

ACCEPTED AND APPROVED, this the 21st day of March, 2019,

by the Mississippi State Board of Medical Licensure.


Claude D. Brunson, M.D.,
Board President

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
IN THE MATTER OF THE PHYSICIAN'S LICENSE
OF
SAMUEL MARCUS ALLEN, II, M.D.

CONSENT ORDER

WHEREAS, SAMUEL MARCUS ALLEN, II, M.D., hereinafter referred to as "Licensee," is the current holder of Mississippi Medical License No. 06374, issued June 7, 1972. said license number expires on June 30, 2019;

WHEREAS, during 2017 and 2018, the Investigative Staff of the Mississippi State Board of Medical Licensure, hereinafter referred to as the "Board," conducted an investigation of Licensee and has in its possession evidence which, if produced during the course of an evidentiary hearing, could substantiate that Licensee has violated provisions of the Board's Administrative Code pertaining to the prescribing of controlled substances, failed to produce requested records and is guilty of unprofessional conduct, which includes 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, 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 Licensee to avoid an evidentiary hearing before the Board and, in lieu thereof, has agreed to enter into this Consent Order subject to the terms, conditions and restrictions as specified below;

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

1. Licensee herewith gives notice of his intent to retire from the practice of medicine on or before June 30, 2019. Licensee shall not renew Medical License Number 06374 for any future renewal period. With Licensee's entry into this agreement, the Executive Director of the Board shall designate said license as Surrendered and not eligible for renewal, effective June 30, 2019.
2. Licensee shall **immediately surrender** his prescriptive authority for controlled substances by taking those actions necessary on his part to notify the U.S. Drug Enforcement Administration (DEA) of his intention to initiate surrender and retirement of his Controlled Substances Registration Certificate AA5534246.
3. Upon surrender of said DEA Registration Certificate, Licensee shall be prohibited from the issuance or authorization of any controlled substances defined by the Mississippi Code, which are in addition to those defined within the United States Code of Federal Regulations, including, but not limited to, pseudoephedrine-containing products.
4. Licensee shall not suggest, recommend, direct or otherwise instruct any mid-level provider (e.g., APRNs or PAs) with whom he may maintain a collaborative practice

relationship, or any employment relationship, to initiate or continue therapies utilizing controlled substances by proxy of the mid-level providers' prescriptive authorities. Licensee may inform another medical provider of a common patient's past medical history, and treatment therapies provided by Licensee, but no other provider should feel imposed upon to continue such therapies.

5. Licensee shall initiate procedures and actions for his retirement from medical practice, with appropriate notice given to his employer(s), patients and other entities known to Licensee to be affected by this action.
6. Licensee expressly agrees that 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.
7. Licensee shall obey all federal, state and local laws, and all rules and regulations governing the practice of medicine.
8. Licensee's remaining practice of medicine in Mississippi shall be subject to unannounced inspection for compliance with the conditions of this Order, inclusive of the immediate production of patient records and other required documents, upon request by a representative of the Board, any Board Member or the Executive Director.
9. Licensee shall reimburse the Board for all costs incurred in relation to the pending matter pursuant to Miss. Code Ann., § 73-25-3D, 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.

Should the Board hereafter receive documented evidence of Licensee's violating any of the terms and conditions of this Consent Order, the Board shall have the right, pursuant to a full evidentiary hearing, to revoke the medical license of Licensee; suspend it for a time deemed proper by the Board, or take any other action determined as necessary by the Board.

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 the U.S. Drug Enforcement Administration, insurance company, insurance panel, healthcare network, 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 of law, **SAMUEL MARCUS ALLEN, II, M.D.**, 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 placing his medical license on probation, subject to those terms and conditions listed above.

Executed, this the 4 day of March, 2019.


SAMUEL MARCUS ALLEN, II, M.D.

ACCEPTED AND APPROVED, this the 21st day of March, 2019, by
the Mississippi State Board of Medical Licensure.


CLAUDE D. BRUNSON, M.D.
Board President

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
IN THE MATTER OF THE PHYSICIAN'S LICENSE
OF
ARTURO ENRIQUE BLANCO, M.D.
ORDER REMOVING RESTRICTIONS ON LICENSE

THIS MATTER came on regularly for hearing on March 21, 2019, before the Mississippi State Board of Medical Licensure, in response to the petition of Arturo Enrique Blanco, M.D. (hereinafter "Licensee"), seeking removal of all restriction on his license to practice medicine in the State of Mississippi.

Licensee was present, represented by her counsel, Jonathan Werne. Complaint Counsel for the Board was Honorable Stan T. Ingram. Sitting as legal advisor to the Board was Honorable Gloria Green, Assistant Attorney General. Board members present for all proceedings were Claude D. Brunson, M.D., President, Charles D. Miles, M.D., Charles K. Lippincott, M.D., William D. McClendon, Jr., M.D., Jeanne Ann Rea, M.D., Allen Gersh, M.D. and Kirk L. Kinard, D.O. Consumer members present were Maj. General (Ret.) Erik Hearon, Wes Breeland and Koonmarie "Shoba" Gaymes.

Evidence and testimony was then taken. Based on the evidence and testimony received, the Board determines that on April 18, 2018, Licensee entered into a Consent Order with the Board based on a determination that he prescribed controlled substances outside the course of legitimate professional practice. The Board placed certain restrictions on Licensee's certificate to practice medicine, including but not limited to, successful completion of CME, prohibition against prescribing Schedule II and IIN Controlled

Substances and a prohibition against collaborating with mid-level providers. During the hearing, it was determined that Licensee has complied with all requirements imposed by the aforementioned Consent Order.

Based upon the evidence and testimony, the Board finds Licensee's petition to be well taken.

THEREFORE, IT IS HEREBY ORDERED, that Licensee's petition for removal of all restrictions on his Medical License (No. 19620) is here by granted. Effective April 18, 2019, Licensee shall hold an unrestricted medical license.

IT IS FURTHER ORDERED, that pursuant to Miss. Code Ann. §73-25-27(1972), a copy of this Order shall be sent by registered mail or personally served on Arturo Enrique Blanco, M.D.

ORDERED, this the 21st day of March 2019.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**

BY: 

**CLAUDE D. BRUNSON, M.D.
PRESIDENT**

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
IN THE MATTER OF THE PHYSICIAN'S LICENSE
OF
JAMES LEONARD HOLZHAUER, M.D.
ORDER OF DISMISSAL WITHOUT PREJUDICE

THIS MATTER came on regularly for hearing on March 21, 2019, before the Mississippi State Board of Medical Licensure, in response to that certain Summons and Affidavit duly served on James Leonard Holzhauser, M.D. (hereinafter "Licensee"), based on certain allegations of violation of the Mississippi Medical Practice Law, that is, having relinquished medical staff privileges at a licensed hospital or medical staff of said hospital; wherein Complaint Counsel for the Board announced that said Summons and Affidavit is being dismissed without prejudice. The Board is advised that Licensee is semi-retired and is limiting his medical practice to office-based gynecology and general medicine. Based on this announcement, therefore, the Board finds the request to be well-taken.

IT IS HEREBY ORDERED that the Summons and Affidavit now pending is hereby dismissed without prejudice. Without the necessity of any further action of the Board, Licensee holds an unrestricted license to practice medicine in the State of Mississippi.

IT IS FURTHER ORDERED, that pursuant to Miss. Code Ann. Section 73-25-27, a copy of this Order shall be sent by registered mail or personally served upon James Leonard Holzhauser, M.D.

ORDERED, this the 21st day of March 2019.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**

BY: 

CLAUDE D. BRUNSON, 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.

CONSENT ORDER

WHEREAS, ROBERT BLAIR LEE, M.D., alternately referred to herein as "Licensee," holds Mississippi Medical License No. 10711 (the "Mississippi License"), issued July 1, 1985;

WHEREAS, Licensee entered into an Agreed Order of Surrender ("Kentucky Agreed Surrender") with the Kentucky Board of Medical Licensure ("Kentucky Board") on May 24, 2017, to surrender his Kentucky medical license. The basis for the Kentucky Board's action was Licensee's loss of hospital privileges at Lourdes Hospital in Paducah, Kentucky earlier that year;

WHEREAS, the present disciplinary proceeding was initiated by the Board's Director of Investigations, in which she alleged that by entering into the Kentucky Agreed Surrender Licensee had violated Mississippi law, in four counts:

- Count I: "guilty of having a suspension or other restriction imposed on his license issued by a licensing authority of another state or jurisdiction," in violation of Miss. Code Ann. § 73-25-29(9);
- Count II: "guilty of surrendering of a license or authorization to practice medicine in another state or jurisdiction while under disciplinary investigation by that state for acts or conduct similar to acts or conduct which would constitute grounds for action" in violation of Miss. Code Ann. § 73-25-29(10);
- Count III: "guilty of being disciplined by a licensed hospital or medical staff of said hospital" in violation of Miss. Code Ann. § 73-25-83(c); and
- Count IV: "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(b)(d) and 73-25-83(a);

WHEREAS, on September 7, 2017, the Board issued an Order of Temporary Suspension of Licensee's Mississippi License, based on the Kentucky Agreed Surrender, pending the outcome of an evidentiary hearing;

WHEREAS, on September 21, 2017, this Board issued an Order of Continuance and Stay of Proceedings that maintained the temporary suspension of Licensee's Mississippi License and, at the request of the Licensee, afforded him the opportunity to complete a Center for Personalized Education for Physicians (CPEP) assessment. Licensee completed the CPEP over the course of two days in November of 2017 at a CPEP center in Raleigh, North Carolina, the results of which have been supplied to the Board;

WHEREAS, on July 19, 2018, the Board conducted an evidentiary hearing into the disciplinary matters at issue. Following the hearing the Board entered a Determination and Order finding Licensee guilty of the alleged counts and suspending Licensee's license until Licensee secures reinstatement of his license in Kentucky, after which Licensee may petition the Board for reinstatement of his Mississippi License;

WHEREAS, Licensee appealed the Board's actions to the Chancery Court of Hinds County, First Judicial District, where such appeal is now pending;

WHEREAS, upon further review of all circumstances pertaining to the matters at issue the Board concludes that the status of Licensee's Mississippi License may be resolved by entry of this Consent Order;

WHEREAS, Licensee has agreed to enter into this Consent Order subject to the terms, conditions and restrictions as specified below;

NOW THEREFORE, the Mississippi State Board of Medical Licensure, with consent of Licensee as signified by his joinder herein, does hereby withdraw all charges referenced

above and filed against Licensee in this disciplinary proceeding, with prejudice, and reinstates the Mississippi License of Robert Blair Lee, M.D., as follows:

1. From and after the date on which this Consent Order is accepted, approved, and executed by the Board (the "Approval Date"), Licensee may resume the practice of medicine. However, for a period of twelve (12) months Licensee's medical license and practice will be subject to the following terms and conditions:

a. Due to the duration of the Licensee's suspension from the practice of medicine, Licensee's medical practice shall be temporarily subject to a formal proctoring relationship with at least one physician holding a Mississippi medical license in good standing and currently practicing in Licensee's medical specialty of cardiac and thoracic surgery (the "Proctoring Physician"). This restriction shall be in effect from and after the Approval Date and shall continue for an effective period of twelve (12) months, commencing on the first day of the first month following the date Licensee shall have notified the Board's Director in writing that he intends to resume the practice of medicine and identifies a Proctoring Physician(s) (the "Effective Period").

- During the initial two months of the proctoring relationship, Licensee shall serve only as first assistant to the Proctoring Physician in surgery and shall not serve as lead surgeon in surgery.

- During the third and fourth months of the proctoring relationship, Licensee may serve as lead surgeon only where a Proctoring Physician is available to serve as first assistant.
- During the remainder of the Effective Period, Licensee may serve as lead surgeon without a Proctoring Physician present as first assistant; however, Licensee agrees that, prior to performing any surgical procedures as lead surgeon without a Proctoring Physician present as first assistant, Licensee shall consult in advance a Proctoring Physician as to the appropriate surgical methods and plan of treatment for all patient cases.
- The Proctoring Physician shall make a written report to the Board's Director after the second, fourth, sixth, and twelfth months of the Effective Period (for a total of four (4) reports), to be transmitted by U.S. Mail, email, or facsimile within ten (10) working days following each reporting period. Through these reports the Proctoring Physician shall summarize the Licensee's professional progress and assess, in his or her opinion, whether the Licensee is making adequate progress toward the goal of the unrestricted practice of medicine by the Licensee at the conclusion of the Effective Period. The timely production of the aforementioned reports shall be the sole responsibility of the Licensee, not any Proctoring Physician, and any request for an extension must be made in a timely fashion by the Licensee to the Board's Director and may be granted for good cause shown.

- b. Licensee's medical practice shall be subject to periodic surveillance during the Effective Period. The Board's Director, any member of the Board, or Investigator for the Board may perform an unannounced inspection of any clinic or hospital wherein Licensee practices, which may include a chart review of selected patient files;
 - c. Licensee shall obey all federal, state, and local laws, and all rules and regulations governing the practice of medicine during the Effective Period; and
 - d. Beyond the investigation of Licensee currently pending before the Tennessee Board of Medical Examiners, also initiated as a result of the actions taken against Licensee by the Kentucky Board of Medical Licensure on April 4, 2017, and of which the Mississippi Board of Medical Licensure has been apprised by Licensee, Licensee shall report in writing to the Board within fifteen (15) working days should his medical license in any additional state be subject to investigation or disciplinary action for any reason.
2. Licensee's resumption of the unrestricted practice of medicine is conditioned on the satisfaction of the Effective Period, the submission of all required reports by a Proctoring Physician, and final approval by the Board.
3. On or before five (5) working days after the Approval Date Licensee promises to present the Agreed Order of Dismissal of Appeal With Prejudice attached hereto as Exhibit A to the Chancery Court of Hinds County for consideration and entry by the Court.

4. Should the Board hereafter receive documented evidence of Licensee's violation of any of the terms and conditions of this Consent Order, the Board shall have the right to revoke, suspend, or otherwise restrict Licensee's Mississippi License or take any other action as deemed necessary by the Board, pursuant to the Board's Administrative Code and statutes governing the Board's authority, without prejudice to Licensee's right to a hearing pursuant to Miss. Code Ann. § 73-25-27.

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 in unexecuted form. 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 be admissible evidence to prove or disprove the allegations of the complaint filed against the Licensee, nor shall the Board or any of its members be prevented from participating 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 does not admit and, hereby, denies any breach of the appropriate standard(s) of care or, otherwise, personal liability for any and all actions that were the subject of the Agreed Order of Surrender entered in Case No. 1786 before the Kentucky Board of Medical Licensure, referenced in these proceedings, and the charges filed against Licensee in the present disciplinary proceeding before the Board.

EXECUTED, this the 21st day of March, 2019.

A handwritten signature in black ink, appearing to read "Robert B. Lewis", is written over a horizontal line.

ROBERT BLAIR LEE, M.D.

ACCEPTED AND APPROVED, this the 21st day of March, 2019, by the Mississippi State Board of Medical Licensure.



CLAUDE B. BRUNSON, MD, MS, CPE, FASA
PRESIDENT

**EXECUTIVE SESSION
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
March 21, 2019**


AGENDA ITEM: Hearing in the Case of Arturo E. Blanco, M.D.

A Motion was made by Dr. Rea, seconded by Dr. Miles and carried.

Pending routine MPHP oversight, all restrictions on Dr. Blanco's license shall be lifted effective April 18, 2019.

<u>VOTE:</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Claude D. Brunson, M.D.	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Jeanne Ann Rea, M.D.	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
William D. McClendon, Jr., M.D.	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Charles D. Miles, M.D.	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Ken Lippincott, M.D.	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Michelle Y. Owens, M.D.	<u> </u>	<u> </u>	<u> </u>	<u>X</u>
Allen Gersh, M.D.	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Kirk L. Kinard, D.O.	<u>X</u>	<u> </u>	<u> </u>	<u> </u>

With a motion by Dr. McClendon, and seconded by Dr. Rea, the Executive Committee came out of Executive Session.


Claude D. Brunson, M.D.
President

**EXECUTIVE SESSION
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
March 21, 2019**

AGENDA ITEM: Approval of Consent Order for Robert B. Lee, M.D.

A Motion was made by Dr. Rea, seconded by Dr. Kinard, and carried.

Dr. Lee has met the original requirements set forth by the Kentucky Medical Board. The Board will accept the Consent Order, amended, to require written reports from the proctoring surgeon at 2, 4, 6- and 12-month intervals.

<u>VOTE:</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Claude D. Brunson, M.D.	X			
Jeanne Ann Rea, M.D.	X			
William D. McClendon, Jr., M.D.			X	
Charles D. Miles, M.D.	X			
Ken Lippincott, M.D.	X			
Michelle Y. Owens, M.D.				X
Allen Gersh, M.D.	X			
Kirk L. Kinard, D.O.	X			

With a motion by Dr. Miles, and seconded by Dr. Kinard, the Executive Committee came out of Executive Session.



Claude D. Brunson, M.D.
President