

BOARD MINUTES
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
NOVEMBER 14, 2019

The regularly scheduled meeting of the Mississippi State Board of Medical Licensure was held on Thursday, November 14, 2019, in the Board Room of the Office of the Board located at 1867 Crane Ridge Drive, Jackson, Mississippi.

THE FOLLOWING MEMBERS WERE PRESENT:

J. Ann Rea, M.D., Columbus, President
David W. McClendon, Jr., M.D., Ocean Springs, Vice President
Michelle Y. Owens, M.D., Jackson, 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
Daniel Edney, M.D., Vicksburg
Thomas Joiner, M.D., Jackson

ALSO PRESENT:

Stan T. Ingram, Complaint Counsel for the Board
Gloria Green, Special Assistant Attorney General
Tammera Catchings, Attorney General's Office
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

The meeting was called to order at 9:00 a.m., by Dr. Rea, President. The invocation was given by Dr. Joiner and the pledge was led by Mr. Breland.

PUBLIC COMMENTS

Dr. Rea opened the floor for public comments and Mr. Leonard McCloud was recognized with a question regarding a possible quality of care issue. Mr. McCloud was advised to schedule a meeting with the Executive Director to discuss.

EXECUTIVE DIRECTOR REPORT

Dr. Cleveland reported speaking engagements and Presentations to various groups throughout the State regarding the newly passed regulation and to promote the Board of Medical Licensure and its mission.

Dr. Cleveland provided a summary of the Licensure Division operations regarding licenses issued for the months of September and October, 2019. He provided a summary of the Investigative Division operations regarding Investigations for the September and October 2019.

Dr. Cleveland provided a brief update and progress of the Board's Software system.

Dr. Cleveland summarized the Budget Request for 2021 and a request from the Mississippi Physician Health Program for additional funding.

OTHER BUSINESS

Dr. Rea introduced Gloria Green, Special Assistant Attorney General and Dana Gordon, Court Reporter with Brown Court Reporting.

REVIEW AND APPROVAL OF MINUTES OF THE ORAL HEARING DATED SEPTEMBER 18, 2019

Upon review of the minutes of the Executive Committee dated September 18, 2019, Dr. Owens 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 SEPTEMBER 19, 2019

Upon review of the minutes of the Board meeting dated November 29, 2018, Dr. Lippincott moved for approval of the minutes as submitted. Dr. Miles seconded the motion and it carried unanimously.

REPORT OF NOVEMBER 13, 2019, EXECUTIVE COMMITTEE MEETING

Dr. Owens reported on the matters discussed by the Executive Committee on November 13, 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.

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In the matter of Dr. Zoog, Dr. Joiner moved for approval of the recommendation of the Executive Committee as submitted. Dr. Miles seconded the motion and it carried unanimously.

In the matter of Dr. Wang, Dr. McClendon moved for approval of the recommendation of the Executive Committee as submitted. Dr. Joiner seconded the motion and it carried unanimously.

REPORTS FROM COMMITTEES

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

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

Professionals Health Program - Dr. Lippincott (Chair), Dr. Gersh, Dr. Edney, Maj Gen Hearon, Ms. Gaymes, Dr. Joiner

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

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

Dr. McClendon reported that he and Dr. Cleveland serve as Commissioners for the Interstate Medical Licensure Compact (IMLCC) and will be attending the annual meeting scheduled in November. Dr. McClendon briefly summarized the history of the creation of the IMLCC and the development of the interstate application process.

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

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

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

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

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

- *Part 2635 Chapter 15, Hospice Practice, Rule 15.1, In-Home Hospice Good Faith – Proposed*

After discussion and approval of the amendments, Dr. Joiner moved to accept adoption of Part 2635 Chapter 15, Hospice Practice, Rule 15.1, as amended. Dr. Miles seconded the motion and it carried unanimously.

- *Regulation Title 30: Part 2640, Chapter 1: Prescribing, Administering and Dispensing, Rule 1.9*

After discussion, Dr. Rea called for a vote to final adopt Title 30: Part 2640, Chapter 1, Prescribing, Administering and Dispensing, Rule 1.9. A motion was made by Dr. Gersh, seconded by Dr McClendon and the Board unanimously voted to approve.

REQUEST APPROVAL OF PROPOSED CONSENT ORDER FOR UMAR BOSTON, M.D., MEMPHIS, TN, MEDICAL LICENSE NUMBER 25023

Mr. Ingram briefly summarized the Consent Order executed by Dr. Boston.

Upon a motion by Dr. Miles seconded by Dr. McClendon 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 CHARLES N. CRENSHAW, M.D., BRANDON, MS, MEDICAL LICENSE NUMBER 09099

Mr. Ingram introduced Dr. Crenshaw's attorney, Matthew Eichelberger.

Mr. Eichelberger addresses the Board and requested a continuance in this matter.

Upon a motion by Dr. Miles seconded by Dr. Edney and carried unanimously to grant the Continuance until the next regularly scheduled meeting of the Board.

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

The official account of this proceeding was recorded by Dana Gordon, Court Reporter, Brown Court Reporting, Inc.

HEARING IN THE CASE OF KANG LU, M.D., CRESTVIEW, FL, MEDICAL LICENSE NUMBER 22250

Mr. Ingram advised a request was received from Dr. Lu who is representing himself pro se. Mr. Ingram briefly summarized this matter and advised that Dr. Lu has requested a second continuance. Dr. Lu cannot practice in the state of Mississippi pending a hearing.

Upon a motion by Dr. Joiner seconded by Dr. Miles and carried unanimously to grant the Continuance until the next regularly scheduled meeting of the Board. The Order of Temporary Suspension issued by the Board on September 4, 2019, shall remain in full force and effect, there will be no further continuances except for good cause.

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

The official account of this proceeding was recorded by Dana Gordon, Court Reporter, Brown Court Reporting, Inc.

HEARING IN THE CASE OF JACQUELINE CURTIS, M.D., DALLAS, TX, MEDICAL LICENSE 26401

Mr. Ingram advised a request was received from Dr. Curtis who is represented by Mr. William McKinley. Mr. Ingram briefly summarized this matter and advised that Dr. Curtis has requested a continuance.

Upon a motion by Dr. Joiner seconded by Dr. McClendon and carried unanimously to grant the Continuance until the next regularly scheduled meeting of the Board.

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

The official account of this proceeding was recorded by Dana Gordon, Court Reporter, Brown Court Reporting, Inc.

REQUEST APPROVAL OF PROPOSED CONSENT ORDER FOR ELAINE R. REINHARD, M.D., BROOKHAVEN, MS, MEDICAL LICENSE NUMBER 17415

Mr. Ingram briefly summarized the Consent Order executed by Dr. Reinhard.

Upon a motion by Dr. Owens seconded by Dr. Kinard and carried unanimously to approve the Consent Order.

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

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

A motion was made by Dr. Joiner, seconded by Dr. Miles and carried to close the meeting to consider whether to enter into executive session on this matter.

A motion was made by Dr. Miles, seconded by Dr. Edney and carried that the Board enter into executive session for the purpose of considering confidential information of five (5) reports, 1) 01190, 2.) 06191, 3.) 06192, 4.) 07190, 5.) 10190. This information is confidential pursuant to the Disabled Physician Law, **MS Code §73-25-61**, material or data exempt from the public records act.

After discussion all five (5) reports submitted were accepted by the Board.

Upon a motion by Dr. Owens, seconded by Dr. Miles and carried, the Board came out of executive session.

Dr. Owens reported that it was the Board's decision to accept the reports of the Examining Committee for report numbers, 1) 01190, 2.) 06191, 3.) 06192, 4.) 07190, and 5.) 10190.

**FOR INFORMATIONAL PURPOSES: MARTHA DEMPSEY, M.D., BAY ST. LOUIS, MS
LICENSEE PERMANENTLY RETIRED MEDICAL LICENSE WHILE UNDER INVESTIGATION**

**FOR INFORMATIONAL PURPOSES: TOBBY M. TINSLEY, M.D., HAZLEHURST, MS
LICENSEE PROHIBITED FROM THE PRACTICE OF MEDICINE**

BOARD MEETING DATES FOR 2020

Executive Committee Meeting
Wednesday, January 15, 2020
Wednesday, March 18, 2020
Wednesday, May 20, 2020
Wednesday, July 15, 2020

Board Meeting
Thursday, January 16, 2020
Thursday, March 19, 2020
Thursday, May 21, 2020
Thursday, July 16, 2020

OTHER BUSINESS


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Dr. Miles requested the Board to consider and vote on the additional changes to the regulation as discussed earlier in this meeting in incorporating the amendments to Title 30: Part 2635, Chapter 15: Hospice Practice, Rule 15.1.

After discussion, Dr. Rea called for a vote accepting the amendments in regulation, Title 30: Part 2635, Chapter 15: Hospice Practice, Rule 15.1. A motion was made by Dr. Gersh, seconded by Dr McClendon and the Board unanimously voted to approve and the Board unanimously voted to approve.

ADJOURNMENT

There being no further business, the meeting adjourned at 11:10 a.m.



Jeanne Ann Rea, M.D.
President

**Minutes taken and transcribed
By Frances Carrillo
Staff Officer
November 14, 2019**

Part 2635 Chapter 15: Hospice Practice

Rule 15.1 In-Home Hospice Good Faith

Recognizing the unique team-based approach utilized when treating in-home hospice patients, the following represents four factors required to establish a proper physician-patient relationship:

- i) The medical director must receive an order from the treating/referring physician requesting the patient be admitted for hospice care. Self-referral by the physician medical director may be necessary, and on those occasions, a second physician should be consulted to affirm the decision for hospice admission;
- ii) That the treating hospice physician or medical director has thoroughly reviewed the medical records of the patient, as provided by the referring physician, has documented the review, and has determined just cause exists for hospice admission (expected death in six months or less), with documented follow-up review at every certification period thereafter;
- iii) That the actions of the physician are deemed within the course of legitimate professional practice, as defined by the Centers for Medicare and Medicaid Services (CMS); and
- iv) That the physician, or the healthcare professional who authorizes prescriptive medications, performs a history and physical examination of the patient no later than thirty (30) days after the initiation of controlled substance therapy. Said examination and prescriptions, when conducted or issued by licensees of the Board, are to be conducted in accordance with the requirements set forth in Part 2640 of the Board's Administrative Code, with particular emphasis on *Rule 1.11 Prescription Guidelines – All Medications*.

It shall be considered unprofessional conduct for a medical director to participate in active recruitment for patient admission to hospice. For the purposes of this regulation, the term “active recruitment” shall mean any unsolicited interaction with a patient for the purposes of convincing a patient to enroll in hospice. As an example: having hospice staff or affiliates visit nursing home patients, with whom the physician has no prior relationship, for the ultimate purpose of soliciting their enrollment in hospice.

Nothing in this section shall preclude a hospice physician from fulfilling their duties to provide physician services as needed to hospice patients.

Part 2635 Chapter 15: Hospice Practice

Rule 15.1 In-Home Hospice Good Faith

Recognizing the unique team-based approach utilized when treating in-home hospice patients, the following represents four factors required to establish a proper physician-patient relationship:

- i) The medical director must receive an order from the treating/referring physician requesting the patient be admitted for hospice care. Self-referral by the physician medical director may be necessary, and on those occasions, a second physician should be consulted to affirm the decision for hospice admission;
- ii) That the treating hospice physician or medical director has thoroughly reviewed the medical records of the patient, as provided by the referring physician, has documented the review, and has determined just cause exists for hospice admission (expected death in six months or less), with documented follow-up review at every certification period thereafter;
- iii) That the actions of the physician are deemed within the course of legitimate professional practice, as defined by the Centers for Medicare and Medicaid Services (CMS); and
- iv) That the physician's non-terminal live-discharge rate for hospice patients does not exceed twenty percent (20%).

It shall be considered unprofessional conduct for a medical director to participate in active recruitment for patient admission to hospice. For the purposes of this regulation, the term "active recruitment" shall mean any unsolicited interaction with a patient for the purposes of convincing a patient to enroll in hospice. As an example: having hospice staff or affiliates visit nursing home patients, with whom the physician has no prior relationship, for the ultimate purpose of soliciting their enrollment in hospice.

Nothing in this section shall preclude a hospice physician from fulfilling their duties to provide physician services as needed to hospice patients.

**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
IN THE MATTER OF THE PHYSICIAN'S LICENSE
OF
UMAR SEKOU TOURE BOSTON, M.D.**

CONSENT ORDER

WHEREAS, UMAR SEKOU TOURE BOSTON, M.D., hereinafter referred to as "Licensee," is the current holder of License No. 25023, issued June 5, 2017, for the practice of medicine in the State of Mississippi, said license to expire on June 30, 2020;

WHEREAS, the Mississippi State Board of Medical Licensure, hereinafter referred to as the "Board," has received the Consent Order, hereinafter the "Tennessee Consent Order," as accepted by the Tennessee Board of Medical Examiners, hereinafter referred to as the "Tennessee Board," on May 29, 2019, wherein Licensee stipulated to violations of the Tennessee Code pertaining to the practice of medicine, including the issuance of multiple prescriptions of thirty (30) tablets of Phentermine, a Schedule IV controlled substance, to Person No. 1 without performing a physical examination, without making a diagnosis and formulating a therapeutic plan, and without creating and maintaining a medical record; failure to check the CSMD (Controlled Substance Monitoring Database) record of Patient No. 1, thereby failing to recognize Patient No. 1 was obtaining multiple Phentermine prescriptions from another practitioner during the same time as Licensee was issuing said prescriptions; and, issuance of multiple prescriptions of thirty (30) tablets of Phentermine to Person No. 2, without performing a physical examination, without making a diagnosis and formulating a therapeutic plan, and without creating and maintaining a medical record; such acts constituting "unprofessional, dishonorable and

unethical conduct;" "a pattern of continued or repeated ... ignorance (or) negligence in the course of medical practice;" failing to meet the "duty to create and maintain medical records;" and, "dispensing, prescribing or otherwise distributing any controlled substance or any other drug not in the course of professional practice;" the foregoing resulting in a Reprimanded license and the setting forth of certain requirements for his continuing licensure in the State of Tennessee;

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

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

NOW THEREFORE, the Mississippi State Board of Medical Licensure, with the consent of Licensee as signified by his joinder herein, does hereby formally **Reprimand** Licensee, with his continued practice of medicine subject to the following terms and conditions:

1. Licensee agrees to comply with and successfully complete all conditions set forth in this Consent Order. Any Continuing Medical Education (CME) required by said Consent Order shall be in addition to the biennial forty (40) hours of CME as required in the Administrative Code of the Board.

2. Licensee understands that the terms of this Consent Order shall run concurrently with those of the Tennessee Consent Order. In order to lift this Order, he must comply with all terms stated herein, to include providing proof to the Board of his successful compliance with, and the lifting of, the Tennessee Consent Order. Upon the receipt of said proof, and confirmation to Licensee of same, this Consent Order will automatically terminate. In the event of noncompliance with this Order, after being determined pursuant to a full evidentiary hearing, Licensee shall be subject to further disciplinary action.
3. Licensee shall obey all federal, state and local laws, and all rules and regulations governing the practice of medicine.
4. Licensee shall reimburse the Board for all costs incurred in relation to the pending matter pursuant to Miss. Code Ann., § 73-25-30. Licensee shall be advised of the total assessment by separate written notification, and shall tender to the Board a certified check or money order made payable to the Mississippi State Board of Medical Licensure, on or before forty (40) days from the date the assessment is mailed to Licensee via U.S. Mail to Licensee's current mailing address.

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


not unfairly or illegally prejudice the Board or any of its members from participation in any further proceedings.

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

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.

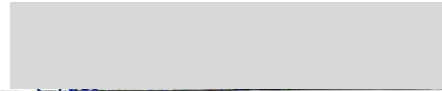
Recognizing his right to notice of charges specified against him, to have such charges adjudicated pursuant to Miss. Code Ann., § 73-25-27, to be represented therein by legal counsel of his choice, and to a final decision rendered upon written findings of fact and conclusions of law, **UMAR SEKOU TOURE BOSTON, M.D.**, hereby waives his right to notice and a formal adjudication of the charges and authorizes the Board to enter an order accepting this Consent Order, **Reprimanding** said license, subject to those terms and conditions listed above.

EXECUTED AND EFFECTIVE, this the 7th day of October, 2019.


UMAR SEKOU TOURE BOSTON, M.D.

ACCEPTED AND APPROVED, this the 14th day of November,

2019, by the Mississippi State Board of Medical Licensure.



Jeanne Ann Rea, M.D.
Board President

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE

CHARLES N. CRENSHAW, III, M.D.

ORDER OF CONTINUANCE

THIS MATTER came on regularly for hearing on November 14, 2019, before Mississippi State Board of Medical Licensure, in response to a request for a second continuance of the hearing set for this date made by Charles N. Crenshaw, III, M.D. (hereinafter "Licensee"). After consideration of the matter, the Board finds Licensee's motion to be well taken.

IT IS, THEREFORE, ORDERED, that this matter is continued until January 16, 2020 at 10:00 a.m.

SO ORDERED, this the 14th day of November, 2019.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**

BY: _____

JEANNE ANN REA, M.D., PRESIDENT

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
IN THE MATTER OF THE PHYSICIAN'S LICENSE
OF KANG LU, M.D.

SECOND ORDER OF CONTINUANCE

THIS MATTER came on regularly for hearing on November 14, 2019, before Mississippi State Board of Medical Licensure, in response to a request for continuance of the hearing set for this date made by Kang Lu, M.D. (hereinafter "Licensee"). After consideration of the matter, the Board finds Licensee's motion to be well taken.

IT IS, THEREFORE, ORDERED, that subject to the limitations and restrictions hereinafter noted, this matter is continued until January 16, 2020 at 10:00 a.m.

IT IS FURTHER ORDERED, that barring any unforeseen circumstances, there will be no further continuances. This matter will be heard on January 16, 2020.

IT IS FURTHER ORDERED, that pending the hearing on this matter, the Order of Temporary Suspension issued by the Board on September 4, 2019 shall remain in full force and effect, such that Licensee shall be prohibited from practicing medicine in the state of Mississippi.

SO ORDERED, this the 14th day of November, 2019.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**

BY: _____

JEANE ANN REA, M.D., PRESIDENT

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

JACQUELINE G. CURTIS, M.D.

ORDER OF CONTINUANCE

THIS MATTER came on regularly for hearing on November 14, 2019, before Mississippi State Board of Medical Licensure, in response to a request for continuance of the hearing set for this date made by Jacqueline G. Curtis, M.D. (hereinafter "Licensee"). After consideration of the matter, the Board finds Licensee's motion to be well taken.

IT IS, THEREFORE, ORDERED, that this matter is continued until January 16, 2020 at 10:00 a.m.

IT IS FURTHER ORDERED, that pending the hearing on this matter, the Order of Temporary Suspension issued by the Board on November 6, 2019 shall remain in full force and effect, such that Licensee shall be prohibited from practicing medicine in the state of Mississippi.

SO ORDERED, this the 14th day of November, 2019.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**

BY: _____

JEANNE ANN REA, M.D., PRESIDENT

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
IN THE MATTER OF THE PHYSICIAN'S LICENSE
OF
ELAINE R. REINHARD, M.D.

CONSENT ORDER

WHEREAS, ELAINE R. REINHARD, M.D., hereinafter referred to as "Licensee," is the current holder of Mississippi Medical License No. 17415, said license number expires on June 30, 2020;

WHEREAS, the Investigative Staff of the Mississippi State Board of Medical Licensure, hereinafter referred to as the "Board," has conducted an investigation of Licensee and has in its possession evidence which, if produced during the course of an evidentiary hearing, would substantiate that Licensee has violated certain provisions of the Mississippi Medical Practice Law, specifically, Subsections (3) 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 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, on February 8, 2018, Licensee presented before the President of the Board to discuss the aforementioned investigation. Pursuant to that appearance, the

Board resolved to have Licensee obtain CME to settle the matter, along with strong recommendations that Licensee return to group practice, such as hospital-based practice;

WHEREAS, on February 7, 2019, the investigation was closed based on the Licensee completing the required CME and providing documentation to the Board;

WHEREAS, on July 7, 2019, the Board received a subsequent complaint regarding Licensee's administering, prescribing and dispensing of controlled substances, with Licensee being visited by Board investigative staff on September 28 and 29, 2019, to review patient records.

WHEREAS, review of said patient records revealed similar concerns and violations of the Board's Administrative Code as those found previously during the investigation conducted in 2018;

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

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

1. Licensee shall take immediate steps to contact the medical director of the Mississippi Physician Health Program (MPHP) and disclose all facts which prompted Licensee's execution of this Consent Order, and shall make arrangements to submit to evaluation for potential mental, emotional or physical impairment at a facility approved in advance and in writing by MPHP and the Board. By executing this Consent Order, Licensee authorizes the Board and

MPHP to fully disclose and share with such facility any and all information regarding Licensee which the MPHP may, in its discretion, deem necessary to evaluate and/or advise Licensee. Upon conclusion of the evaluation, a report shall be sent to the MPHP, with a copy to the Board's Executive Director, setting forth the findings and recommendations. In the event it is the recommendation of the evaluating facility that Licensee needs treatment, Licensee shall comply with all of such recommendations, including obtaining advocacy from MPHP.

2. Licensee shall, within one (1) year of the acceptance and approval of this Order, have successfully joined a group, staff, or partnership such that she is no longer in solo-practice.
3. Licensee shall, within one (1) year of the acceptance and approval of this Order, successfully complete Board approved Continuing Medical Education (CME) in the areas of (i)Medical Ethics, (ii)Practice Boundaries, (iii)Prescribing of Controlled Substances, and (iv)Medical Record Keeping, with said courses to be selected from the list of Board approved courses attached hereto as Exhibit "A". Licensee shall provide proof of attendance and participation in each aspect of the courses required herein. Any credit received for such CME shall be in addition to the usual forty (40) hours of Category I credits required by Board regulation. Licensee will be required to be on-site while taking the CME course(s), as the course(s) cannot be taken on-line or by other means. Licensee shall submit proof of successful completion to the Board.
4. Licensee is hereby prohibited from supervising or collaborating with Physician Assistants (PAs) and/or Advanced Practice Registered Nurses (APRNs).

5. Licensee shall obey all federal, state and local laws, and all rules and regulations governing the practice of medicine.
6. Licensee shall reimburse the Board for all costs incurred in relation to the pending matter pursuant to Miss. Code Ann., § 73-25-30. 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.

Should the Board hereafter receive documented evidence of Licensee violating any of the terms and conditions of this Consent Order, the Board shall have the right, 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.

Provided Licensee completes all requirements as imposed above and is otherwise in full compliance with all terms and conditions contained herein, Licensee shall have the right, but not the obligation, to appear before the Board after the expiration of one (1) year from the effective date of this Order (being the date of acceptance by the Board), to request removal of any or all of the aforementioned restrictions. Licensee understands and agrees that until expiration of at least one (1) year, there shall be no reconsideration of the terms and conditions of this Order.

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

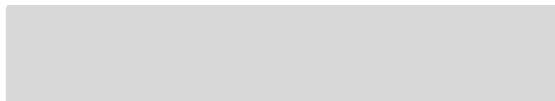
Recognizing her right to notice of charges specified against her, to have such charges adjudicated pursuant to Miss. Code Ann., § 73-25-27 (1972), to be represented therein by legal counsel of her choice, and to a final decision rendered upon written findings of fact and conclusions of law, **ELAINE R. REINHARD, M.D.**, nevertheless, hereby waives her right to notice and a formal adjudication of charges and authorizes the Board to enter an order accepting this Consent Order, thereby placing her medical license on probation, subject to those terms and conditions listed above.

EXECUTED AND EFFECTIVE, this the 29th, day of October, 2019.



ELAINE R. REINHARD, M.D.

ACCEPTED AND APPROVED, this the 14th, day of November, 2019, by the Mississippi State Board of Medical Licensure.



JEANNE ANN REA, M.D.
Board President

From: Martha Dempsey [REDACTED]
Sent: Thursday, October 3, 2019 8:42 AM
To: Kenneth Cleveland [REDACTED]
Subject: license retirement

Dr. Cleveland,

I am writing to officially inform you that I wish to permanently retire my Mississippi medical license #20839.

Due to worsening health issues I am not able to physically continue to practice medicine. I will mail my wall certificate back ASAP.

I will also contact the DEA as well and retire my prescribing certificate.

If there are any other steps I need to take to finalize this process, please let me know. You can always contact me via phone at [REDACTED] as well.

Thank you for all your advice and compassion during this time.

Sincerely,

Martha Dempsey MD

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

OF

TOBBY MARVIN TINSLEY, M.D.

ORDER OF PROHIBITION

WHEREAS, TOBBY MARVIN TINSLEY, M.D., hereinafter referred to as "Licensee," currently holds Mississippi Podiatric Medical License Number 22071, said number is valid until June 30, 2020;

WHEREAS, on September 24, 2019, the Mississippi State Board of Medical Licensure (Board) received a letter from the Mississippi Physician Health Program (MPHP) regarding Licensee. MPHP informed the Board that MPHP had withdrawn advocacy for Licensee, effective September 24, 2019;

WHEREAS, the Board is now in possession of evidence establishing that MPHP has withdrawn advocacy due to Licensee violating his recovery contract agreement (RCA), as evidenced in the supporting affidavit attached hereto;

WHEREAS, paragraph 23 of the RCA, 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 the recommendations 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 medicine. In so doing, the MSBML and the MPHP may require me to undergo further evaluation.

WHEREAS, by virtue of violation of the aforementioned RCA, 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 the aforementioned letter, which is further detailed in the affidavit, Licensee shall be prohibited from the practice of medicine until such time as the Board determines that Licensee may return to the practice of medicine;

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

ORDERED this the 26th day of September, 2019.

MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE



Kenneth E. Cleveland, M.D.
Executive Director

I, Bryson Pickens
personally served this
~~subpoena/summons on~~
Order of Prohibition
Tobby Tinsley, M.D.
This the 26 day of September 2019

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

TOBBY MARVIN TINSLEY, M.D.

AFFIDAVIT

STATE OF MISSISSIPPI

COUNTY OF HINDS

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

1. That TOBBY MARVIN TINSLEY, M.D., hereinafter referred to as "Licensee," currently holds Mississippi Medical License Number 22071, said number is valid until June 30, 2020.
2. That on April 24, 2017, Licensee entered into a Recovery Contract Agreement (RCA) with the Mississippi Physician Health Program (MPHP) as an anonymous participant. Licensee signed the contract after successfully being discharged from twelve (12) weeks of residential treatment for alcohol dependence at Metro Atlanta Recovery Residence located in Atlanta, Georgia. The RCA requires total abstinence from all alcohol or any other mood-altering substances. Further, Paragraph 3 requires licensee to present for random, unannounced, witnessed urine and/or blood screens, and to, ". . . cooperate fully in this process."
3. That on September 3, 2019, MPHP was notified that Licensee submitted a dilute urine specimen at a random toxicology screening. Licensee subsequently admitted to drinking alcohol, which was later confirmed via PEth blood testing. Licensee

then executed an Agreement to Not Practice on September 3, 2019, and then presented for a substance use evaluation at Bradford Behavioral Health (Bradford), located in Warrior, Alabama, on September 11, 2019.

4. That Bradford issued a recommendation that Licensee should not practice medicine until such time as he successfully completes residential treatment for a period of eight (8) to twelve (12) weeks.
5. That on September 24, 2019, MPHP Medical Director Scott Hambleton, M.D., spoke with Licensee and he refused to comply with the recommendations issued by Bradford. Thereafter, Dr. Hambleton submitted a letter, also dated September 24, 2019, advising the Board that MPHP was formally withdrawing advocacy for Licensee.
6. That Paragraph 19 of the RCA dated April 24, 2017, 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 the MPHP determines that I am able to return to the practice of medicine. In doing so, the MSBML and MPHP may require me to undergo further evaluation.


7. That the aforementioned letter withdrawing advocacy concludes the following, in part:

. . . Dr. Tinsley is not fit to practice medicine with reasonable skill and safety, at this time. I recommend that Dr. Tinsley be prohibited from practicing medicine until such time that he successfully completes treatment and regains MPHP advocacy.
8. By his signature on the RCA, Licensee understands and recognizes the Board's authority to immediately prohibit Licensee from the practice of medicine until such

time that the Board determines Licensee is fit to return to the practice of medicine.


Jonathan Dalton
Investigations Supervisor
Mississippi State Board of Medical Licensure

SWORN TO AND SUBSCRIBED BEFORE ME, this the 26th day of
September, 2019.


Notary Public

