

**BOARD MINUTES  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
JANUARY 16, 2020**

The regularly scheduled meeting of the Mississippi State Board of Medical Licensure was held on Thursday, January 16, 2020, 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  
Kenneth Cleveland, Executive Director  
Mike Lucius, Deputy Director  
Anna Boone, Office 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 9:12 a.m., by Dr. Rea, President. Dr. Rea introduced Gloria Green, Special Assistant Attorney General and Julie Brown, Court Reporter with Brown Court Reporting. The invocation was given by Mr. Breland and the pledge was led by Maj. Gen Hearon.

**PUBLIC COMMENTS**

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

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**EXECUTIVE DIRECTOR REPORT**

Dr. Cleveland provided an updated summary of the operations regarding Licensure and Investigative Division operations for the months of November and December, 2019.

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

**REVIEW AND APPROVAL OF MINUTES OF THE Executive Committee Meeting dated November 13, 2019**

Upon review of the minutes of the Executive Committee dated November 13, 2019, Dr. Edney moved for approval of the minutes as submitted. Dr. Joiner seconded the motion and it carried unanimously.

**REVIEW AND APPROVAL OF MINUTES OF THE Board Meeting dated November 14, 2019**

Upon review of the minutes of the Board meeting dated November 14, 2019, Dr. Owens moved for approval of the minutes as submitted. Dr. Miles seconded the motion and it carried unanimously.

**REVIEW AND APPROVAL OF MINUTES OF THE Board Meeting dated December 16, 2019**

Upon review of the minutes of the Executive Committee dated December 16, 2019, Dr. Miles moved for approval of the minutes as amended. Dr. Edney 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 advised there was no new information to report.

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**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**

Dr. Miles reported the final action on the Rules of the Practice of Telemedicine, Rule 5.1, 5.7 and 5.9 has been filed and passed the OLRC.

**Medical Marijuana Declaratory Opinion**

Dr. Rea provided a brief summary regarding the Medical Marijuana 2020 Ballot and the Resolution issued by the Mississippi State Department of Health. Dr. Rea read the Opinion to be issued by the Mississippi State Board of Medical Licensure regarding Cannabis for Medicinal Use.

Upon a motion by Dr. Gersh seconded by Dr. Edney and carried unanimously to adopt the Declaratory Opinion.

**The Use of Certain Terms to Describe Scope of Practice Declaratory Opinion**

Dr. Rea briefly summarized the use of Certain Titles Associated with the Practice of Medicine by Non-Licensees.

After a brief discussion, a motion by Dr. Joiner seconded by Dr. McClendon and carried unanimously to adopt the Declaratory Opinion.

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

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

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A motion was made by Dr. Miles, seconded by Dr. Kinard and carried that the Board enter into executive session for the purpose of considering confidential information pursuant to the Disabled Physician Law.

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

Dr. Owens reported that it was the Board's decision to approve recommendations and the reports of the Examining Committee for report numbers, 1) 01190, 2.) 11190, 3.) 01200. For the report of 0489P the Board voted to agree with the Pine Grove and MPHP recommendations for further practice. The Board approved the Investigative Subpoena #011620HG.

**HEARING IN THE CASE OF JATINDER SINGH, M.D., WAYNESBORO, MS**  
**MEDICAL LICENSE 10791**

Mr. Ingram introduced Dr. Singh and his attorney Mr. Curtis Bates.

Mr. Ingram briefly summarized the Consent Order dated September 30, 2018, executed by Dr. Singh.

Mr. Bates addressed the Board and briefly summarized Dr. Singh's compliance and practice since execution of the Consent Order. Mr. Bates introduced documents into the record documenting Dr. Singh's compliance. Mr. Bates advised that Dr. Singh is petitioning the Board to lift the Consent Order

Upon a motion by Dr. Miles seconded by Dr. Owens and carried unanimously to grant Dr. Singh's petition to remove the restrictions from Dr. Singh's license.

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

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

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

Mr. Ingram briefly summarized the case regarding Dr. Curtis to the Board. Dr. Curtis was issued an Emergency Order suspending her Texas Medical license based on impairment. The Mississippi State Board of Medical Licensure reciprocated issuing Dr. Curtis with a Temporary Suspension of her Mississippi medical license pending a Hearing

scheduled on this date. Dr. Curtis' attorney has advised that Licensee has elected to surrender her Mississippi medical license with is being presented to the Board.

Upon a motion by Dr. Owens seconded by Dr. McClendon 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.

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

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

Mr. Ingram briefly summarized the case regarding Dr. Lu to the Board. Dr. Lu is requesting a third continuance due to a conflict with a scheduled evaluation imposed by the Massachusetts Board of Registration in Medicine.

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 third continuance. Dr. Lu cannot practice in the state of Mississippi pending a hearing.

Upon a motion by Dr. Miles seconded by Dr. Joiner 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.

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

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

**HEARING IN THE CASE OF SHAILESH C. VORA, M.D., SOUTHLAKE, TX  
MEDICAL LICENSE NUMBER 25328**

Mr. Ingram briefly summarized the case regarding Dr. Vora to the Board. Historically, on April 17, 2019, the Arkansas State Medical Board issued an emergency order suspending Dr. Vora's license based on boundary issues. The Mississippi State Board of Medical Licensure reciprocated and issued Licensee with an Emergency Suspension on May 11, 2019. On June 6, 2019, after a hearing before the Arkansas State Medical Board, his Arkansas medical license was revoked with the revocation

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stayed subject to terms and conditions. During this time Licensee was practicing in Texas and the Texas Medical Board reciprocated the action of the Arkansas Medical Board and placed restrictions on his license in that state with a Consent Order. Dr. Vora has executed a Consent Order mirroring the action of the Texas Consent Order for review and approval.

Upon a motion by Dr. Gersh seconded by Dr. Miles and carried unanimously to accept the Consent Order.

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

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

**HEARING IN THE CASE OF CHARLES N. CRENSHAW, M.D., BRANDON, MS**  
**MEDICAL LICENSE NUMBER 09099**

Mr. Ingram advised a hearing is scheduled in the matter of Dr. Charles Crenshaw having been served with a Summons and Affidavit charging him with multiple grounds primarily based upon his prescribing schedule II and III controlled substances. Mr. Ingram briefly summarized the case regarding Dr. Crenshaw to the Board. Mr. Ingram advised the Board that Licensee is presenting a Consent Order for the Board's approval in lieu of a hearing. Mr. Ingram summarized the terms and conditions of the Consent Order for the Board.

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

Mr. Eichelberger addressed the Board.

Dr. Crenshaw was sworn in to answer questions by the Board.

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.

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

**FOR INFORMATIONAL PURPOSES: CHRISTOPHER C. CAPEL, M.D., GREENWOOD, MS,**  
**MEDICAL LICENSE NUMBER 15299. LICENSEE IS PROHIBITED FROM THE PRACTICE OF**  
**MEDICINE EFFECTIVE 12/18/2019**

**OTHER BUSINESS: DEPARTMENT OF VETERANS AFFAIRS MEMORANDUM:  
IMPLEMENTATION FOR DIRECTIVE 1350 – APRN FULL PRACTICE AUTHORITY**

Dr. Cleveland briefly summarized Directive 1350 to the Board. Dr. Cleveland introduced Dr. Susan Roberts, Chief of Staff for G.V. (Sonny) Montgomery VAMC, to address the Board on this matter.

Dr. Roberts addressed the Board and gave a summary of the Directive 1350 with the VAMC.

After discussion and questions by the Board it was the decision of the Board to refer this matter to the Scope of Practice Committee.


**REQUEST APPROVAL FOR STAFF AND BOARD MEMBERS TO ATTEND THE FSMB 2020  
ANNUAL MEETING ON APRIL 30 – MAY 2, 2020, IN SAN DIEGO, CA**

Upon a motion by Dr. Miles seconded by Dr. Kinard and carried unanimously for staff and Board Members to attend the FSMB 2020 Annual Meeting on April 30 – May 2, 2020, in San Diego, CA.

**MARCH EXECUTIVE COMMITTEE MEETING AND BOARD MEETING SET FOR  
WEDNESDAY, MARCH 18 AND THURSDAY, MARCH 19, 2020.**

**ADJOURNMENT**

There being no further business, the meeting adjourned at 1:56 pm.

  
Jeanne Ann Rea, M.D.  
President

**Minutes taken and transcribed  
By Frances Carrillo  
Staff Officer  
January 16, 2020**

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## MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

KENNETH E. CLEVELAND, M.D. | EXECUTIVE DIRECTOR

January 16, 2020


RE: Cannabis for Medicinal Use

In 2018, the American Medical Association (AMA) set forth policy on cannabis legalization for medicinal use.<sup>1</sup> This policy established certain beliefs of the AMA regarding cannabis for medicinal use (colloquially known as "Medical Marijuana"). The Mississippi State Board of Medical Licensure (the Board) would echo, reiterate, and expand on these beliefs.

Specifically, the Board believes that proper clinical trials and peer-reviewed research must be conducted to demonstrate the safety and effectiveness of cannabis for medicinal use, as it is with all legal medicines. To this end, the Board would support, for research purposes only, the de-scheduling of cannabis to Schedule II. This will allow the proper trials and research to be conducted to determine what, if any, medicinal use cannabis may have. Until demonstrable evidence is available as described above, the term "Medical Marijuana" is a misnomer – as no traditional safety or efficacy data exists to support this term.

In conclusion, Mississippi is uniquely positioned to perform the necessary research to determine if cannabis is viable as a medicine. The Board does not support the legalization of cannabis for medicinal purposes through state legislative, ballot initiative, or referendum process, until such time as scientifically valid, high-caliber research has been conducted as to the safety and efficacy of cannabis for medicinal purposes.

So Declared by Order of the Board, this the 16<sup>th</sup> day of January, 2020.

  
Jeanne Ann Rea, M.D.  
Board President  
Mississippi State Board of Medical Licensure

<sup>1</sup> Cannabis Legalization for Medicinal Use D-95.969



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## MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

KENNETH E. CLEVELAND, M.D. | EXECUTIVE DIRECTOR

January 16, 2020


RE: The Use of Certain Titles Associated with the Practice of Medicine by Non-Licensees

Since approximately 2200 BC, physicians have practiced the profession now known officially as the Practice of Medicine. Since that time, the term 'physician', both colloquially and as a matter of law, has always indicated that the person carrying that title is a person duly qualified, educated, and licensed to practice medicine.

Recently, the Board has been made aware of certain individuals, often times practicing a licensed profession outside of medicine, who insert the term 'physician' after their earned title or licensure type. The Mississippi State Board of Medical Licensure (the Board) considers the use of the term 'physician', or any other professional title directly related to the practice of medicine – such as those enumerated by The American Board of Medical Specialties (ABMS), by individuals who have not completed medical school, to be a violation of the Patient's Right to Informed Health Care Choices Act<sup>1</sup>. Further, the Board considers any practice conducted while utilizing said title(s) to be the illegal and unlicensed practice of medicine.

Miss. Code Ann., §73-25-1, states the following, in part: "*Every person who desires to practice medicine must first obtain a license to do so from the State Board of Medical Licensure . . .*" Patients have a right to know, without any doubt, what type of practitioner they are seeing, and this knowledge should not be impeded by innuendo or overt falsehood by the provider – suggesting they are duly licensed to practice medicine when, in fact, they are not.

So Declared by Order of the Board, this the 16<sup>th</sup> day of January, 2020.

  
Jeanne Ann Rea, M.D.  
Board President  
Mississippi State Board of Medical Licensure

<sup>1</sup> Miss. Code Ann., § 41-121-1, et seq

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

**JATINDER SINGH, M.D.**

**ORDER REMOVING ALL RESTRICTIONS**

**THIS MATTER** came on regularly for hearing on January 16, 2020, before the Mississippi State Board of Medical Licensure, in response to the petition of Jatinder Singh, 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 September 20, 2018, certain restrictions were imposed on Licensee's certificate to practice medicine in the state of Mississippi, said restrictions pertaining to the prescribing, administering and dispensing of controlled substances. The Board is now in receipt of a request by Licensee to remove said restrictions along with proof that all requirements, including Continuing Medical Education have been satisfied. Therefore, the Board, after hearing said request, finds the same 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. Section 73-25-27, a copy of this Order shall be sent by registered mail or personally served upon Jatinder Singh, M.D.

**ORDERED**, this the 16th day of January, 2020.

**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 PHYSICIAN'S LICENSE**

**OF**

**JACQUELINE G. CURTIS, M.D.**

**SURRENDER OF MEDICAL LICENSE**

**WHEREAS, JACQUELINE G. CURTIS, M.D.,** hereinafter referred to as "Licensee," is the current holder of Mississippi Medical License No. 26401, issued December 20, 2018 and suspended November 8, 2019, said license number expires on June 30, 2020;

**WHEREAS,** Licensee was served a Summons and Affidavit on November 08, 2019, charging Licensee with violating the Mississippi Medical Practice Act as it pertains to the administering, prescribing and dispensing of controlled substances, in addition to having action taken against her Texas medical license;

**NOW THEREFORE,** in order to resolve this matter now pending before the Board, Licensee agrees to voluntarily surrender her medical license (No. 26401) 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.

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, **Jacqueline G. Curtis, M.D.**, nevertheless, hereby waives her right to notice and a formal adjudication of the charges and authorizes the Board to enter an order accepting this **Surrender of Medical License**.

**EXECUTED AND EFFECTIVE**, this the \_\_\_\_\_ day of December 2019.

A gray rectangular box redacting the signature of Jacqueline G. Curtis, M.D.

**JACQUELINE G. CURTIS, M.D.**

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

**THIRD ORDER OF CONTINUANCE**

**THIS MATTER** came on regularly for hearing on January 16, 2020, 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"). The Board is advised that Licensee has taken steps to comply with restrictions imposed by the Massachusetts Medical Board, one of which is an evaluation to be conducted at the same time as the scheduled hearing before this Board. 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 March 19, 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 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 16th day of January, 2020.

**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**

**CHARLES N. CRENSHAW, III, M.D.**

**CONSENT ORDER**

**WHEREAS, CHARLES N. CRENSHAW, III, M.D.,** hereinafter referred to as "Licensee," is the current holder of Mississippi Medical License No. 09099, issued August 4, 1980, and said license number expires on June 30, 2020;

**WHEREAS,** the Investigative Division of the Mississippi State Board of Medical Licensure, hereinafter referred to as the "Board," has conducted an investigation into the medical practice 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 (8)(d) 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,** Licensee wishes to avoid an evidentiary hearing before the Board and, in lieu thereof, has agreed to execute this Consent Order, subject to the terms, conditions, and restrictions as specified below;

**NOW, THEREFORE,** the Board, with consent of Licensee as signified by his joinder herein, does hereby suspend Licensee's Certificate No. 08566 to practice medicine in the state of Mississippi for a period of one (1) year, with said suspension automatically **stayed**, thereby placing Licensee on **probation**, subject to the following probationary terms and conditions, to-wit:

- (1) Licensee shall surrender his U.S. Drug Enforcement Administration (DEA) Uniform Controlled Substance Registration Certificate, No. AC9733672 no later than three (3) months from the date of the approval of this Consent Order by the Board. Notwithstanding any period of time enumerated herein, Licensee shall not seek reinstatement of privileges to prescribe controlled substances. Stated differently, the surrender of controlled substance privileges is permanent.
- (2) Licensee's medical practice shall be subjected to periodic surveillance. The Board's Director, any member of the Board, or investigator of the Board may perform an unannounced inspection of any clinic wherein Licensee practices, which may include review of selected patient files.
- (3) Within one (1) year from the date of this Order, Licensee shall enroll and successfully complete AMA Category 1 CME (Continuing Medical Education) courses in the areas of (1) Proper Record Keeping. (2) Boundaries and (3) Medical Ethics, said courses to be selected from the list of Board approved courses attached hereto as Exhibit "A." Following completion of the courses, Licensee shall submit to the Board documentary proof of successful completion. This is in addition to the forty (40) hours of Category 1 CME requirements as cited in Title 30, Part 2610, Chapter 2 of the Board's Rules and Regulations.

- (4) Licensee shall obey all federal, state and local laws, and all rules and regulations governing the practice of medicine. Any further acts of misconduct will result in further action.
- (5) 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.
- (6) 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.

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 act of malpractice.

Licensee understands and expressly acknowledges that this Consent Order 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 DEA, and the Board makes no representation as to action, if any, which any other entity, agency or jurisdiction may take in response to this Order.



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.

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 based upon written findings of fact and conclusions of law, **CHARLES N. CRENSHAW, III, 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 AND EFFECTIVE**, this 8th day of January, 2020.

  
**CHARLES N. CRENSHAW, III, M.D.**

**ACCEPTED AND APPROVED**, this the 16th day of January, 2020.

  
**ANN REA, M.D.**  
**BOARD PRESIDENT**

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

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

**OF**

**SHAILESH CHHOTALLAL VORA, M.D.**

**STATE OF MISSISSIPPI**

**COUNTY OF HINDS**

**CONSENT ORDER**

**WHEREAS, SHAILESH CHHOTALLAL VORA, M.D.**, hereinafter referred to as "Licensee," is the current holder of Mississippi Medical License No. 25328, said license number expired on May 11, 2019;

**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 established during the course of an evidentiary hearing, would substantiate that Licensee is guilty of unprofessional conduct, specifically, professional sexual misconduct, in violation of provisions of the Mississippi Medical Practice Law, specifically, Subsection (8)(d) of §73-25-29 and §73-25-83(a), Miss. Code Ann., 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**, on or about April 4, 2019, the Arkansas State Medical Board voted unanimously to issue an Emergency Order of Suspension and Notice of Hearing to Licensee. Based upon the actions of the Arkansas Board, the Mississippi State Board of Medical Licensure temporarily suspended Licensee's Mississippi medical license on May 11, 2019. Since then, the Arkansas Board

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reinstated Licensee's Arkansas medical license and the Texas Medical Board has entered into a Consent Order with Licensee.

**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 his joinder herein, does hereby take the following disciplinary action:

1. The Board now lifts the temporary suspension previously placed on Licensee's Certificate (No. 25328) to practice medicine in the State of Mississippi. Pursuant to the lifting of said temporary suspension, Licensee must fully and successfully comply with all terms and conditions in the Agreed Order dated November 18, 2019, that he executed with the Texas Medical Board. Copy of said Order attached and incorporated herein by reference.
2. Licensee shall submit proof of successful completion of the Medical Jurisprudence Examination ordered by the Texas Medical Board as well as the Continuing Medical Education (CME) hours required by said Order.
3. Licensee shall submit proof of payment for the \$3000 administrative penalty ordered by the Texas Medical Board.
4. If at any time in the future should Licensee decide to practice in the State of Mississippi, he must notify the Mississippi State Board of Medical Licensure in writing at least 30 days prior to his intended practice in Mississippi, said notice providing a description of his intended practice and location.
5. Licensee expressly agrees he will not seek an appearance before the Board prior to the completion of the terms of this Order and, further, agrees the terms of this Order, once executed, may not be appealed.

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.

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.

By execution of this Consent Order, Licensee is not admitting to or acknowledging any misconduct or act of malpractice and this Order cannot be used against him.

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, thereby accessible through the Board's website. Licensee further acknowledges that the Board shall provide a copy of this Consent Order to, among others, the U.S. Drug Enforcement Administration. Due to the public nature of this Order, the Board makes no representation as to actions, if any, which any insurance company, 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, **SHAILESH CHHOTALLAL VORA, M.D.**, nevertheless, hereby waives his right to notice and a formal adjudication of all charges and hereby voluntarily executes this Consent Order, thereby reinstating his medical license, subject to those terms and conditions listed above.


EXECUTED, this 6<sup>th</sup> day of January, 2020.

  
SHAILESH CHHOTALLAL VORA, M.D.

ACCEPTED AND APPROVED, this 16<sup>th</sup> day of January, 2020, by the  
Mississippi State Board of Medical Licensure.

  
JEANNE ANN REA, M.D.  
Board President

APPROVED:

  
Kathryn R. Gilchrist, Esq.  
Counsel for Dr. Vora

  
Stan T. Ingram, Esq.  
Board Complaint Counsel

IN THE MATTER OF  
THE LICENSE OF

SHAILESH CHHOTALAL VORA, M.D.

LICENSE NO. L-6703

BEFORE THE

TEXAS MEDICAL BOARD

AGREED ORDER

On the 6 day of December, 2019, came to be heard before the Texas Medical Board (the Board), duly in session, the matter of the license of Shailesh Chhotalal Vora, M.D. (Respondent).

On October 24, 2019, Respondent appeared in person, with counsel Louis Leichter, at an Informal Show Compliance Proceeding and Settlement Conference in response to a letter of invitation from the Staff of the Board. The Board's representatives were Linda Molina, J.D., a member of the Board, and Courtney Mack Townsend, Jr., M.D., a member of a District Review Committee (Panel). Jared Brehmer represented Board Staff.

BOARD CHARGES

Board Staff charged that Respondent was the subject of disciplinary action taken by the Arkansas State Medical Board related to allegations of engaging in sexual misconduct with two of his patients; his Arkansas medical license was suspended on April 17, 2019. Subsequently, Respondent was subject to disciplinary action by the Mississippi State Board of Medical Licensure on May 9, 2019, as a result of the Arkansas State Medical Board reporting the action taken against Respondent. Finally, Respondent was subject to disciplinary action by Baylor Scott & White Hospital for failure to disclose the action taken by the Arkansas State Medical Board.

BOARD HISTORY

Respondent has not previously been the subject of disciplinary action by the Board.

Upon the recommendation of the Board's representatives and with the consent of Respondent, the Board makes the following Findings and Conclusions of Law and enters this Agreed Order.

## FINDINGS

The Board finds the following:

1. General Findings:

- a. Respondent received all notice required by law. All jurisdictional requirements have been satisfied. Respondent waives any defect in notice and any further right to notice or hearing under the Medical Practice Act, Title 3, Subtitle B, Texas Occupations Code (the Act) or the Rules of the Board.  
Respondent currently holds Texas Medical License No. L-6703. Respondent was originally issued this license to practice medicine in Texas on June 6, 2003.
- b. Respondent holds a restricted medical license in Arkansas; Respondent holds a suspended medical license in Mississippi; and Respondent holds a medical license in Louisiana.
- c. Respondent is primarily engaged in the practice of Psychiatry and Neurology. Respondent is board certified by the American Board of Psychiatry & Neurology, a member of the American Board of Medical Specialties.
- d. Respondent is 61 years of age.
- e. Respondent is currently engaged in the practice of medicine in Texas, in an institutional setting.

2. Specific Panel Findings:

- a. Respondent admits that he was the subject of disciplinary action taken by the Arkansas State Medical Board related to allegations of engaging in sexual misconduct with two of his patients.
- b. Respondent's Arkansas medical license was suspended on April 17, 2019.
- c. The suspension was lifted on June 18, 2019, conditioned upon Respondent's compliance with the recommendations of the Allied Assessment Center (AAC) in Houston, Texas. The recommendations from AAC were that Respondent be restricted from providing a combination of neurologic and psychiatric care to patients at the same time and location; that he undergo continued psychotherapy; and limit his number of practice hours.
- d. Respondent was subject to peer review disciplinary action by Baylor Scott & White Hospital for failing to disclose the disciplinary action originating in Arkansas as required by that facility where he held privileges. Respondent's privileges were irrevocably terminated on April 22, 2019.
- e. Respondent is currently engaged in the practice of medicine in Texas, in an institutional setting.

3. Mitigating Factors:

In determining the appropriate sanctions in this matter, the Panel considered the following mitigating factors:

- a. Respondent admitted to the sexual harassment of one patient as found by the Arkansas State Medical Board.
- b. Respondent appeared remorseful and apologetic.
- c. Respondent has cooperated in the investigation of the allegations related to his violations of the Act. Respondent neither admits nor denies the information provided above. To avoid further investigation, hearings, and the expense and inconvenience of litigation, Respondent agrees to the entry of this Agreed Order and to comply with its terms and conditions.

CONCLUSIONS OF LAW

Based on the above Findings, the Board concludes that:



1. The Board has jurisdiction over the subject matter and Respondent pursuant to the Act.

2. Section 164.051(a)(1) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's committing an act that is prohibited under §164.052 of the Act.

3. Section 164.051(a)(7) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's being removed, suspended, or is subjected to disciplinary action taken by the person's peers in a local, regional, state, or national professional medical association or society, or is disciplined by a licensed hospital, including removal, suspension, limitation of privileges, or other action if the Board finds the action was based on unprofessional conduct or professional incompetence that was likely to harm the public and was appropriate and reasonably supported by evidence submitted to the Board, as further defined by Board Rule 190.8(4), disciplinary action by peer groups.

4. Section 164.051(a)(9) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's being subject to disciplinary action by another state, or subject to disciplinary action by the uniformed services of the United States, based on acts by the person that are prohibited under Section 164.052 or are similar to acts described by this subsection 190.8(3), disciplinary action by another state board.

5. Section 164.052(a)(5) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's unprofessional or dishonorable conduct that is likely to deceive or defraud the public, as provided by §164.053 of the Act, or injure the public.

6. Section 164.001 of the Act authorizes the Board to impose a range of disciplinary actions against a person for violation of the Act or a Board rule.

7. Section 164.002(a) of the Act authorizes the Board to resolve and make a disposition of this matter through an Agreed Order.

8. Section 164.002(d) of the Act provides that this Agreed Order is a settlement agreement under the Texas Rules of Evidence for purposes of civil litigation.

#### ORDER

Based on the above Findings and Conclusions of Law, the Board ORDERS that Respondent shall be subject to the following terms and conditions:

1. Within one year following the date of the entry of this Order, Respondent shall take and pass with a score of 75 or above the Medical Jurisprudence Examination ("JP Exam") given by the Texas Medical Board. Respondent is allowed three attempts to successfully pass this examination.

Respondent's failure to take and pass the JP Exam within three attempts within one year following the date of the entry of this Order shall constitute a violation of this Agreed Order. After a committee of the Board or a panel of Board representatives (Board Representatives), has considered the information related to Respondent's violation of this provision and has determined that Respondent has not fulfilled the requirements of this provision, Respondent's medical license shall be **IMMEDIATELY SUSPENDED** pursuant to correspondence to Respondent from the Executive Director or Secretary-Treasurer of the Board indicating that Board Representatives have considered the information related to Respondent's violation of this provision and have determined that Respondent has not fulfilled the requirements of this provision. Although Respondent shall be invited to provide information or testimony to the Board Representatives, Respondent specifically waives any administrative due process under the Medical Practice Act, or the Administrative Procedure Act, for the Board Representatives to consider this information. **THIS SUSPENSION SHALL BE EFFECTIVE WITHOUT THE NEED FOR A HEARING AT THE STATE OFFICE OF ADMINISTRATIVE HEARINGS OR OTHER ADMINISTRATIVE DUE PROCESS UNDER THE MEDICAL PRACTICE ACT OR THE ADMINISTRATIVE PROCEDURE ACT, AND RESPONDENT SPECIFICALLY WAIVES ANY SUCH HEARING OR DUE PROCESS AND ALL RIGHTS OF APPEAL.** Respondent shall be notified of any suspension by certified mail, return receipt requested to Respondent's last known address on file with the Board. If Respondent's license is suspended on such a basis, the suspension shall remain in effect until such time as Respondent takes and passes the JP Exam and subsequently appears before the Board in person and provides sufficient evidence which, in the discretion of the Board, is adequate to show that Respondent possesses the skills and knowledge to safely practice in Texas and is otherwise physically and mentally competent to resume the practice in this state

2. Within in one year following the date of the entry of this Agreed Order, Respondent shall enroll in and successfully complete at least 12 hours of continuing medical

education ("CME"), divided as follows: eight hours in the topic of ethics; and four hours in the topic of boundaries. The CME shall be approved for Category I credits by the American Medical Association or American Osteopathic Association and approved in writing in advance by the Executive Director or their designee. To obtain approval for the course, Respondent shall submit in writing to the Compliance Division of the Board information on the course, to include at least reasonable detail description of the course content and facility, as well as the course location and dates of instructions. Respondent shall submit documentation of attendance and successful completion of this requirement to the Compliance Division of the Board on or before expiration of the time limit set forth for completion of the course. The CME requirements set forth in this paragraph shall be in addition to all other CME required for licensure maintenance.

3. Respondent shall pay an administrative penalty in the amount of \$3000 within 60 days of the date of the entry of this Order. The administrative penalty shall be paid in a single payment by cashier's check or money order payable to the Texas Medical Board and shall be submitted to the Board for routing so as to be remitted to the Comptroller of Texas for deposit in the general revenue fund. Respondent's failure to pay the administrative penalty as ordered shall constitute grounds for further disciplinary action by the Board, and may result in a referral by the Executive Director of the Board for collection by the Office of the Attorney General

4. At all times while Respondent is under the terms of this Order, Respondent shall give a copy of this Order to all hospitals, nursing homes, treatment facilities, and other health care entities in Texas where Respondent has privileges, has pending an application for privileges, applies for privileges, or otherwise practices. Within 30 days of being first contacted by the Compliance Division of the Board following entry of this Order, Respondent shall provide to the Compliance Division of the Board documentation, including proof of delivery that the Order was delivered to all such facilities.

5. Respondent shall comply with all the provisions of the Act and other statutes regulating Respondent's practice.

6. Respondent shall fully cooperate with the Board and the Board staff, including Board attorneys, investigators, compliance officers, consultants, and other employees or agents of the Board in any way involved in investigation, review, or monitoring associated with Respondent's compliance with this Order. Failure to fully cooperate shall constitute a violation of this order and a basis for disciplinary action against Respondent pursuant to the Act.

7. Respondent shall inform the Board in writing of any change of Respondent's office or mailing address within 10 days of the address change. This information shall be submitted to the Registration Department and the Compliance Department of the Board. Failure to provide such information in a timely manner shall constitute a basis for disciplinary action by the Board against Respondent pursuant to the Act. Respondent agrees that 10 days' notice of a Respondent Show Compliance Proceeding to address any allegation of non-compliance of this Agreed Order is adequate and reasonable notice prior to the initiation of formal disciplinary action. Respondent waives the 45-day notice requirement provided by §164.003(b)(2) of the Medical Practice Act and agrees to 10 days notice, as provided in 22 Texas Administrative Code §187.44(4).

8. Any violation of the terms, conditions, or requirements of this Order by Respondent shall constitute unprofessional conduct likely to deceive or defraud the public, or to injure the public, and shall constitute a basis for disciplinary action by the Board against Respondent pursuant to the Act.

9. Respondent shall be permitted to supervise and delegate prescriptive authority to physician assistants and advanced practice nurses and to supervise surgical assistants.

10. This Order shall automatically terminate upon Respondent's submission of sufficient evidence to the Compliance Division of the Board that Respondent successfully completed the requirements ordered in Ordering Paragraph Nos. 1-4.

RESPONDENT WAIVES ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR TO ANY COURT IN REGARD TO ALL TERMS AND CONDITIONS OF THIS AGREED ORDER. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.

THIS ORDER IS A PUBLIC RECORD.

**(SIGNATURE PAGES FOLLOW)**

I, SHAILESH CHHOTALLAL VORA, M.D., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND THAT BY SIGNING, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THIS AGREED ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

DATED: 18<sup>th</sup> November, 2019.

[Redacted Signature]

SHAILESH CHHOTALLAL VORA, M.D.  
Respondent

STATE OF Texas

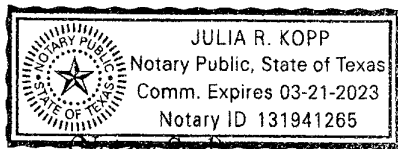
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COUNTY OF Tarrant

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SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this 18<sup>th</sup> day of November, 2019.



[Redacted Signature]

Signature of Notary Public

SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this  
6 day of December, 2019.

  
\_\_\_\_\_  
Sherif Z. Zafraan, M.D., President  
Texas Medical Board

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

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

**OF**

**CHRISTOPHER CONRAD CAPEL, M.D.**

**ORDER OF PROHIBITION**

**WHEREAS**, CHRISTOPHER CONRAD CAPEL, M.D., hereinafter referred to as "Licensee," currently holds Mississippi Medical License Number 15299, said license is valid until June 30, 2020;

**WHEREAS**, on November 1, 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 November 1, 2019;

**WHEREAS**, the Board is now in possession of evidence establishing that MPHP has withdrawn advocacy due to Licensee violating his Provisional Monitoring Agreement (PMA), as evidenced in the supporting affidavit attached hereto;

**WHEREAS**, paragraph 16 of the PMA, states, in part:

*In the event I {Licensee} should 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 violation of the aforementioned PMA, 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 CHRISTOPHER CONRAD CAPEL, M.D., and shall be effective immediately upon receipt thereof.

**ORDERED** this the 11<sup>th</sup> day of December, 2019.

**MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**



Kenneth E. Cleveland, M.D.  
Executive Director



**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**  
**IN THE MATTER OF THE PHYSICIAN'S LICENSE**  
**OF**  
**CHRISTOPHER CONRAD CAPEL, M.D.**  
**AFFIDAVIT**

STATE OF MISSISSIPPI  
COUNTY OF HINDS

I, Charles Ware, Investigator, Mississippi State Board of Medical Licensure (Board or MSBML), do hereby make oath that I have reason to believe and do believe:

1. That CHRISTOPHER CONRAD CAPEL, M.D., hereinafter referred to as "Licensee," currently holds Mississippi Medical License Number 15299, said number is valid until June 30, 2020.
2. That in August 2018, the Board initiated an investigation of Licensee's practice of medicine to determine whether Licensee was in compliance with the Administrative Code of the Board as Licensee was conducting invasive procedures considered to be beyond that of Level 1 office-based surgery within his sole-practitioner, private medical clinic, all subject to regulation by MSBML. During a clinic inspection, medical records review, and interview of Licensee, conducted by the Board's Investigator, Licensee's responses to the various questions regarding facets of his practice, and his reliance on subordinate staff and family-employees to answer instead of Licensee, demonstrated confusion, lack of understanding or ignorance of varied requirements upon himself as the Licensee and as a Registrant with controlled substance authority, to maintain

complete and accurate records of patient care, prescribing and controlled substance accountability for inventory as required by Administrative Code, which extended to his inaccurately defining which Schedule certain medications prescribed by Licensee were listed within. Licensee's physical appearance was contrary to that expected for his age, implying possible illness which Licensee did not reveal, thereby resulting in additional inquiries with his former employer and a review of Licensee's telephonically prescribing Hydrocodone/Acetaminophen compound and Clonazepam unto himself, without maintaining a treatment record, with such acts providing indicators of possible impairment of Licensee. As the result of said investigation, an Order of Referral of Licensee for examination by the Board's Examining Committee was undertaken.

3. That on September 21, 2018, service of the Order of Referral upon Licensee was attempted during normal business hours at his medical office, at which Licensee's spouse, who served as his clinic administrator, was present. She advised Licensee was currently incapacitated at their residence as a result of liver failure, for which he had recently undertaken testing and evaluation for transplantation qualification. Upon this explanation of Licensee's dire condition, she was informed of the purpose of this day's visit as resulting from the inspection visits she was a party to, and she accepted service on Licensee's behalf, as she was told Licensee should review the contents and contact the Examining Committee Chairman designated within the documents.

4. That on October 1, 2018, following communications with the Examining Committee Chairman by Licensee and his spouse, with confirmation of his medical condition from his treating physician, and in lieu of his scheduled appearance before that Committee, Licensee voluntarily discontinued his medical practice by signing an Agreement Not to Practice Medicine under conditions set forth in the Mississippi Disabled Physicians Law, Mississippi Code (1972), Ann., § 73-25-53(b). Licensee's liver transplantation surgery was performed in November 2018, but afterwards Licensee suffered injuries from a seizure resulting in several fractured vertebrae and a subdural hematoma. Licensee was taking Hydrocodone and Clonazepam, and admitted consuming alcohol, at the time of the seizure.
5. That on January 18, 2019, Licensee met with the Medical Director of the Mississippi Physician Health Program, hereinafter referred to as "MPHP." Thereafter, Licensee entered into a Provisional Monitoring Agreement (PMA) with MPHP, through which MPHP specified recommendations Licensee complete a comprehensive multi-disciplinary substance use evaluation for determination of his fitness for duty. Licensee adamantly denied alcohol use or illicit drug use as contributory to his post-transplant injuries, while stating he was at that time taking prescribed Hydrocodone and Clonazepam, as directed. The Agreement Not to Practice Medicine remained in effect.
6. That during the period of March 3 - 7, 2019, Licensee received an evaluation at Bradford Behavioral Health in Warrior, Alabama. The resulting report rendered diagnoses of Alcohol-Use Disorder, Severe, with Sedative-Hypnotic,

Opioid and Cannabis-Use Disorders; and, Mild Neurocognitive Disorder. The results were addressable under Miss. Code (1972), Ann., §73-25-53. The report recommended Licensee be referred for twelve weeks of residential treatment for substance-use disorder, but due to the cognitive deficits, Licensee should first undergo neurocognitive testing prior to the residential treatment. On April 4, 2019, Licensee initiated a neurocognitive assessment by a psychologist in Jackson, Mississippi, which disclosed marked deficits in processing speed, working memory and executive function. Upon discussion of these findings, Licensee elected not to complete the full battery of neurocognitive tests.

7. That in May 2019, MPHP became aware of Licensee's continuing use of cannabis and alcohol, both indicative Licensee was in violation of the Provisional Monitoring Agreement. While an attempt to arrange for an involuntary commitment for treatment by the Court was underway to place Licensee into an appropriate facility, Licensee had himself admitted in mid-June to Cirque Lodge, in Utah, which was not considered by MPHP as well-experienced with the necessary treatment for physicians. On July 19, 2019, Licensee left Cirque Lodge against medical advice. The facility's treatment team recognized the impediment of Licensee's inability to engage in treatment as due to his cognitive impairment.
8. That on August 1, 2019, Licensee was admitted to the Legacy Program of Pine Grove Behavioral Health in Hattiesburg, Mississippi, after his repeated discussions with MPHP. Neurocognitive testing was completed on September 17, 2019, with determinations of persistent, severe deficits in processing speed,

working memory, and executive function, with a full-scale IQ over two standard deviations below the expected mean based upon Licensee's level of education and demographic information. The exact cause of his neurocognitive status was not determined, although the combination of his previous hepatic encephalopathy with continued polysubstance use were contributing factors.

9. That on September 20, 2019, MPHP was notified of Licensee's attempting to leave Pine Grove Behavioral Health against medical advice, following his admitting to the use of Kratom while engaged in current treatment, and of Licensee's intention to consume alcohol as soon as he left the facility. Pine Grove Staff initiated a 72-hour commitment to the Adult Psychiatric Unit at Pine Grove in response to concerns for the patient's safety. Upon his release from this observation, Licensee was instructed to transfer himself to Nexus Neurorecovery Center in Conroe, Texas, to obtain the specified treatment for his cognitive and addiction-related issues. During October 2019, it became apparent to MPHP that Licensee would not comply with the treatment recommendations to obtain treatment from the designated facility in Texas.
10. That on November 1, 2019, the Board received a letter from Scott L. Hambleton, M.D., MPHP's Medical Director, advising the Board that MPHP was withdrawing its advocacy for Licensee's continued unrestricted medical license in Mississippi, as Licensee represents a potential imminent threat to public safety. Furthermore, he recited the foregoing repeated attempts to provide Licensee access to the necessary and appropriate treatment providers to address Licensee's profound cognitive impairment and drug/alcohol addiction,

which were either not completed, abandoned against medical advice or ignored in lieu of Licensee's preference. By his actions, Licensee demonstrated he was unable to comply with the monitoring requirements, resulting in MPHP's inability to continue to monitor Licensee concerning this matter.

11. That Paragraph 16 of the Provisional Monitoring Agreement dated January 18, 2019, states, in part:

*In the event I {Licensee} should 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.*

12. That Paragraph 12 of the Provisional Monitoring Agreement states, in part:


*I agree to notify the MPHP/MSBML of any change in my physical or mental health, my residence or place of employment. I further agree to notify MPHP and MSBML in writing, within ten (10) days prior to leaving this state to practice in another state. (Emphasis added)*

13. That pursuant to Licensee's current contact information of record with the Board, Licensee's residential and mailing address is a specific address in Greenwood, Mississippi. Inquiries by the Board's Investigator determined said address is currently vacant and has been listed for sale for at least two (2) months prior to receipt of the loss of advocacy letter on November 1<sup>st</sup>.
14. That the aforementioned letter withdrawing advocacy concludes with the following, in part:

*...Considering the extent of <Licensee's> profound cognitive impairment, and the inability of MPHP to continue to monitor him, it is my belief that <Licensee's> continued unrestricted medical licensure in Mississippi represents an imminent threat to public safety. ... I recommend that the Board*

*consider prohibiting <Licensee> from practicing medicine until such time that he successfully completes treatment and regains MPHP advocacy.*

15. By his signature on the PMA, 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.

  
Charles Ware  
Investigator  
Mississippi State Board of Medical Licensure

SWORN TO AND SUBSCRIBED BEFORE ME, this the 10<sup>th</sup> day of December, 2019.

  
Notary Public



I, Charles Ware, Agent  
personally served this Order  
~~subpoena/summons~~ on  
Christopher Conced Capel, M.D.,  
at Greenville, MS  
This the 18<sup>th</sup> day of December, 2019.