

**BOARD MINUTES
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
SEPTEMBER 23, 2021**

The regularly scheduled meeting of the Mississippi State Board of Medical Licensure was held on Thursday, September 23, 2021, in Hinds County, Jackson, Mississippi, after being duly noticed on the websites of the Mississippi Public Meeting Notice and this Board, in accordance with law.

THE FOLLOWING MEMBERS WERE PRESENT:

David W. McClendon, Jr., M.D., Ocean Springs, President
Michelle Y. Owens, M.D., Jackson, Vice President
C. Kenneth Lippincott, M.D., Tupelo, Secretary
Charles D. Miles, M.D., West Point
Kirk L. Kinard, D.O., Oxford
Thomas Joiner, M.D., Jackson
Daniel Edney, M.D., Vicksburg
Wesley Breland, Hattiesburg, Consumer Member
Major General (Ret.) Erik Hearon, Jackson, Consumer Member
Shoba Gaymes, Jackson, Consumer Member

ALSO PRESENT:

Stan T. Ingram, Complaint Counsel for the Board
Paul Barnes, Board Attorney
Alexis Morris, Special Assistant Attorney General
Kenneth Cleveland, Executive Director
Mike Lucius, Deputy Director
Jay Ledbetter, Chief of Staff
Anna Boone, Director of Licensure Division
Kristin Wallace, Clinical Director of Physician Compliance
Jonathan Dalton, Investigations Supervisor
Arlene Davis, IT Director
Frances Carrillo, Staff Officer

NOT PRESENT:

H. Allen Gersh, M.D., Hattiesburg
Roderick Givens, M.D., Natchez

The meeting was called to order at 10:23 am, by Dr. McClendon, President. The invocation was given by Dr. Owens and the pledge was led by Dr. Edney.

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Dr. McClendon introduced Alexis Morris, Special Assistant Attorney General as the Board's Hearing Officer and Tammi Fulghum, Court Reporter with Brown Court Reporting.

**COVID-19 UPDATE BY THOMAS DOBBS, M.D., STATE HEALTH OFFICER,
MISSISSIPPI STATE DEPARTMENT OF HEALTH**

EXECUTIVE DIRECTOR REPORT

Dr. Cleveland provided an updated summary regarding Licensure and Investigative Division operations for the months of July through August 2021.

Review and Approval of Minutes of the Executive Committee Meeting dated July 22, 2021.

Upon review of the minutes of the Executive Committee Meeting dated July 22, 2021, Dr. Edney 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 September 7, 2021.

Upon review of the minutes of the Board Meeting dated September 7, 2021, Dr. Edney moved for approval of the minutes as corrected regarding members present for that meeting. Dr. Miles seconded the motion and it carried unanimously.

Report of September 23, 2021, Executive Committee Meeting

Dr. Lippincott reported on the matters discussed by the Executive Committee on September 23, 2021, and decisions were made.

Two matters before the Executive Committee were considered, regarding requests seeking an exception to Rule 1.2 of Part 2615 of the regulation governing the practice of Physician Assistants. The first proposed practice protocol waiver request was granted with conditions to PA Randi Wagner, and in the matter of PA Adam Wennersten, a waiver was denied because the proposed practice protocol did not meet the requirements of the Telemedicine rules, specifically Rule 5.4 Physician Patient Relationship and Rule 5.5 Examination.

A motion was made by Dr. Owens, seconded by Dr. Miles, and carried, to accept the report and ratify the decisions of the Executive Committee's meeting.

Information pertaining to the Executive Committee's recommendations is included in the Executive Committee minutes, which are attached hereto and incorporated by reference.

REPORTS FROM COMMITTEES

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

Dr. Kinard 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. Edney (Chair), Dr. Miles, Dr. Kinard, Dr. Lippincott, Maj Gen Hearon, Mr. Lucius, Dr. Givens

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

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 the Medical Board quarterly newsletter is in process and will be available soon.

Physician Assistant Advisory Task Force - Dr. Owens (Chair), Dr. Kinard, Maj Gen Hearon Mr. Jonathan Dalton, Joanna Mason, PA-C, Tristen Harris, PA-C, Steven English, PA-C, Steve Martin, PA-C, Deb Munsell, PA-C, Vanessa Perniciaro, PA-C, Phyllis Johnson, Board of Nursing

Dr. Owens reported that the task force continues to review and approve physician protocols.

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

Dr. Miles reported on the meeting of the Rules, Regulation & Legislative Committee and that the Committee recommended that after posting for 30 days with no public comment to send the following rules to the Occupational Licensing Review Commission for official review and consideration.

- Part 2635. Chapter 10 Release of Medical Records
- Part 2635: Chapter 15: Medical Examiners

Dr. Miles advised the Committee recommended to table Part 2635: Chapter 5 Practice of Telemedicine for further discussion and review. Dr. Miles requested that the Rules, Regulation & Legislative Committee meet with the Telemedicine Committee and obtain the recommendations of the Federation of State Medical Boards.

A motion was made by Dr. Owens, seconded by Dr. Miles, and carried, to accept the report and recommendations of the Rules, Regulation & Legislative Committee.

Copies of the proposed regulations are attached hereto and incorporated by reference.

APPROVAL OF INVESTIGATIVE SUBPOENA #2021-023 PURSUANT TO MISS. CODE ANN. § 73-25-27

A motion to close the meeting was made by Dr. Owens, seconded by Dr. Kinard, and carried, to discuss whether to go into executive session. Dr. Owens moved to go into Executive Session, seconded by Dr. Kinard, and carried, for the purpose of discussing whether to issue a subpoena regarding an investigation of alleged misconduct and violations of the statutes and regulations governing the practice of medicine in case number 2021-023. The Board then entered executive session.

Upon a motion by Dr. Owens seconded by Dr. Kinard, and carried, unanimously, the Board came out of executive session. Dr. McClendon reported that the Board unanimously authorized the issuance of an investigative subpoena in case number 2021-023. Pursuant to Miss. Code Ann. § 73-25-27, the Executive Director of the Board is hereby authorized to issue the aforementioned investigative subpoena and this authorization shall be deemed an order entered on the minutes of the Board.

RICHARD A. NANCE, D.O., MISSISSIPPI MEDICAL LICENSE 18046
APPROVAL OF CONSENT ORDER

Mr. Barnes advised that Dr. Nance was presenting to the Board for consideration of approval of a Consent Order executed by Dr. Nance, with terms mutually agreed upon by Dr. Nance and the Executive Director. Mr. Barnes called Dr. Nance to the stand to give the circumstances and answer any questions regarding the violation.

Dr. Nance was sworn by the Court reporter.

Mr. Barnes asked Dr. Nance regarding the violation of regulations regarding pre-signed prescriptions. Dr. Nance summarized the circumstances regarding this violation. Mr. Barnes introduced Dr. Nance's counsel, Matt Tyrone.

Mr. Barnes questioned Dr. Nance. Dr. Nance answered questions by the Board. Mr. Barnes reviewed the terms of the Consent Order with Dr. Nance. Dr. Nance confirmed that he agreed to the terms of the consent order

A motion was made by Dr. Owens, 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 Tamara Fulgham, Court Reporter, Brown Court Reporting.

**HEARING IN THE CASE OF JAMES LEONARD WOOTTON, III, M.D.,
BROOKHAVEN, MS, MISSISSIPPI MEDICAL LICENSE 25172**

Mr. Barnes advised a motion was received from Dr. Wootton, who is represented by Whit Johnson, requesting a continuance. After receiving brief questions from the Board, Mr. Barnes confirmed that this was a first request for a continuance, and that the Board Attorneys agreed that a continuance was necessary and appropriate.

A motion was made by Dr. Miles, seconded by Dr. Kinard, and carried unanimously to accept the motion for a continuance.

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

The official account of this proceeding was recorded by Tamara Fulgham, Court Reporter, Brown Court Reporting.

**HEARING IN THE CASE OF JOSEPH FERNANDO, M.D., POPLAR BLUFF, MO
MISSISSIPPI MEDICAL LICENSE 24989**

Mr. Barnes introduced documents into the record, Summons, Determination of Need for Temporary Action, Affidavit, Order of Temporary Action Pending Hearing and a Surrender of Medical License. Mr. Barnes briefly summarized this matter which resulted with Dr. Fernando executing the Surrender of Medical License.

A motion was made by Dr. Miles, seconded by Dr. Joyner, and carried unanimously to accept the Surrender of Medical License to conclude the disciplinary proceeding against Dr. Fernando.

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

The official account of this proceeding was recorded by Tamara Fulgham, Court Reporter, Brown Court Reporting.

THE BOARD RECESSED AT 11:34 PM FOR LUNCH AND RETURNED AT 12:30 PM

**SHOW CAUSE HEARING IN THE CASE OF RAMON CABALLERO, M.D.,
BRANDON, MS, APPLICANT**

Dr. Caballero and his counsel, Mr. John Chapman, were introduced.

Mr. Barnes introduced documents into the record and briefly summarized the case.

Mr. Chapman introduced documents into the record.

Dr. Caballero was sworn in by the court reporter.

Mr. Chapman questioned Dr. Caballero, who briefly summarized the documents that were introduced as exhibits and were provided as part of the licensure application for a Mississippi medical license. Dr. Caballero answered questions from Mr. Chapman, Mr. Barnes and the Board.

THE BOARD RECESSED FOR A BREAK AT 1:49 PM AND RETURNED AT 2:00 PM

Mr. Chapman made a closing statement.

Mr. Barnes made a closing statement.

A motion to close the meeting was made by Dr. Owens, seconded by Dr. Kinard, and carried, to discuss whether to go into executive session. Dr. Owens moved to go into Executive Session, seconded by Dr. Miles, and carried, to discuss whether Applicant had shown good cause for the Board to overrule the decision of the Executive Director to deny the application. The Board then entered executive session.

Upon a motion by Dr. Givens, seconded by Dr. Joiner, and carried, the Board came out of executive session at which time Dr. McClendon asked Dr. Lippincott to report on its decision. Dr. Lippincott reported that it was the decision of the Board to uphold the denial of license for attempting to obtain a license by fraud or deception.

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

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

NOVEMBER BOARD MEETING DATES

The next regularly scheduled meeting of the Board is set for Wednesday, November 17, 2021, and Thursday, November 18, 2021.

ADJOURNMENT

There being no further business, the meeting was adjourned at 2:49 p.m.



William David McClendon, Jr., M.D.
President

Minutes taken and transcribed.
By Frances Carrillo
Staff Officer
September 23, 2021

Part 2635: Chapter 15: Medical Examiners

Rule 15.1 | Scope and Purpose

The purpose of this regulation is to set forth certain exemptions, stipulations, and expectations as to the practice of medicine within Mississippi by physicians who serve as the State Medical Examiner or a Deputy Medical Examiner. Further, it is the intent of this regulation to set forth the requirements of those physicians to practice medicine in Mississippi, temporarily, without obtaining an unrestricted Mississippi medical license. The Board defers to state statute on any duties or requirements not specifically mentioned within this regulation.

Source: Miss. Code Ann. §73-43-11 (1972, as amended).

Rule 15.2 | Definitions

For the purpose of Part 2635, Chapter 15 only, the following terms have the meanings indicated:

- A. “Medical Examiner” means the person appointed by the Commissioner of Public Safety pursuant to Miss. Code Ann., §41-61-55 to investigate and certify deaths that affect the public interest.
- B. “Deputy Medical Examiner” means those professional individuals employed by The Department of Public Safety who serve under the direction of the Medical Examiner, and who perform autopsies and post-mortem examinations to determine cause of death via medical processes, such as pathology, and who may testify as an expert regarding their findings.

Source: Miss. Code Ann. §73-43-11 (1972, as amended).

Rule 15.3 | Temporary Practice

Recognizing the unique challenges in hiring and retaining Deputy Medical Examiners, along with the need to expeditiously conduct autopsies in order to avoid evidentiary spoilage, applicants for licensure to serve in the role of Deputy Medical Examiner may practice within Mississippi temporarily, without an unrestricted medical license, while going through the licensure process. Said physicians must first submit their application, thereby starting the licensure process, and must verify they are licensed in good standing in another state or acceptable jurisdiction. This temporary practice period shall not exceed six (6) months from the date the application is received.

Further, contract physicians who are hired on a temporary basis by The Department of Public Safety may also practice without a license, after verifying their unrestricted licensure as described above, for a period of up to one (1) month. Thereafter, said physicians must apply for a full license in Mississippi.

Source: Miss. Code Ann. §73-43-11 (1972, as amended).

Rule 15.4 | Violation of Rules

The practice of medicine outside of the requirements and regulations stated herein constitutes the illegal practice of medicine, in violation of Miss. Code Ann., §97-23-43, and violators shall be subject to all fines and penalties described therein.

Source: Miss. Code Ann. §73-43-11 (1972, as amended).

Rule 10.1 | Definitions

For the purpose of Part 2635, Chapter 10 only, the following terms have the meanings indicated:

- A. “Licensee” means any person licensed to practice ~~medicine, osteopathic medicine, podiatric medicine or acupuncture in the state of Mississippi~~ by the Mississippi State Board of Medical Licensure (the “Board”).
- B. “Medical Records” means all records and/or documents relating to the treatment of a patient, including, but not limited to, family histories, medical histories, report of clinical findings and diagnosis, laboratory test results, x-rays, reports of examination and/or evaluation, billing records, and any hospital admission/discharge records which the licensee may have, or which is otherwise maintained by the group or facility wherein said licensee practices medicine.
- C. “Patient” means any ~~natural~~ person who receives or should have received health care from a ~~licensed~~ licensee, under a contract, express or implied, whether or not the licensee is compensated for services rendered.
- D. “Legal Representative” means an attorney, guardian, custodian, or in the case of a deceased patient, the executor/administrator of the estate, surviving spouse, heirs and/or devisees.⁴
- E. “Authorized Requesting Party” includes patient and legal representative as defined above who holds a valid written release and authorization.

Source: Miss. Code Ann. §73-43-11 (1972, as amended).

Rule 10.2 | Medical Records - Property of Licensee

Medical records, as defined herein, are and shall remain the property of the licensee in whose facility said records are maintained, subject to reasonable access to the information by authorized individuals or entities.

In the case of employed or contracted licensees (those lacking authority to manage or maintain medical records), medical record ownership shall be determined by federal and state statutes and regulations. Licensees in such relationships shall make reasonable efforts to assure reasonable access to the information by authorized individuals or entities. Further, licensees should inform patients of procedures for release of records if the licensee is not the custodian of the records.

Source: Miss. Code Ann. §73-43-11 (1972, as amended).

Rule 10.3 | Regulatory and Legal Requests

The Board has the authority to investigate licensees as part of its mission to protect the public.⁵ Further, continued licensure by the Board requires the production of medical records when requested.⁶ When provided an administrative (i.e., legal) request for in-person inspection or production of copies for removal by the Board, licensees shall comply and provide all records as requested.

⁴ See Miss. Code Ann., §41-10-3 for further authority and information.

⁵ Miss. Code Ann., §73-43-11

⁶ 30 Miss. Admin. Code Pt.2640, R.1.4 *Patient Record*

Source: Miss. Code Ann. §73-43-11 (1972, as amended).

Rule 10.34 Transfer of Patient Records to Another Licensee. A licensee shall not refuse for any reason to make the information contained in the medical records available upon valid request by authorized requesting party to another licensee presently treating the patient. The licensee has a right to request a written release from the patient or legal representative of the patient, authorizing the transfer prior to transfer of said documents. Upon receipt of the written release and authorization, the licensee must tender a copy of said documents to the other licensee within a reasonable period of time. Transfer of said documents shall not be withheld because of an unpaid bill for medical services, but the licensee is entitled to reasonable compensation paid in advance for any copy expenses as provided in Part 2635, Rule 10.6.

Source: Miss. Code Ann. §73-43-11 (1972, as amended).

Rule 10.45 Release of Patient Records to Patient. A licensee shall, upon request of authorized requesting party holding a written release and authorization, provide a copy of a patient's medical record to the authorized requesting party within a reasonable period of time.

In those cases where release of psychiatric/psychological records directly to a patient would be deemed harmful to the patient's mental health or well-being, the licensee shall not be obligated to release the records directly to the patient, but shall, upon request, release the records to the patient's legal representative. The licensee has a right to request a written authorization prior to release of the records to any party other than the patient. Upon receipt of the written release and authorization, the licensee must tender a copy of the records to the authorized requesting party within a reasonable period of time. Transfer of the records shall not be withheld because of an unpaid bill for medical services, but the licensee is entitled to reasonable compensation paid in advance for any copy expenses as provided in Part 2635, Rule 10.6.

Source: Miss. Code Ann. §73-43-11 (1972, as amended).

Rule 10.56 Narrative Summary of Medical Record. In some cases, a requesting party may wish to obtain a narrative summary of the medical record, in lieu of, or in addition to a copy of the medical record. Upon such a request, the licensee may provide the narrative summary. The licensee may charge a reasonable fee for the time devoted to preparation of the medical record narrative summary.

Source: Miss. Code Ann. §73-43-11 (1972, as amended).

Rule 10.67 Duplication and Administrative Fees.

- A. Licensees have a right to be reimbursed for duplication and other expenses relating to requests for medical records. The copying charge is set by Mississippi Code, Section 11-1-52 as follows:
 2. Any medical provider or hospital or nursing home or other medical facility shall charge no more than the following amounts to an authorized requesting party for photocopying any patient's records:
 - i. Twenty Dollars (\$20.00) for pages one (1) through twenty (20);
 - ii. One Dollar (\$1.00) per page for the next eighty (80) pages;
 - iii. Fifty Cents (50¢) per page for all pages thereafter.
 - iv. Ten percent (10%) of the total charge may be added for postage and handling.

- v. Fifteen Dollars (\$15.00) may be recovered by the medical provider or hospital or nursing home or other medical facility for retrieving medical records in archives at a location off the premises where the facility/office is located.
- vi. In addition, the actual costs of reproducing x-rays or other special records may be included.
- vii. The duplication and administrative fees authorized herein are not intended to include or restrict any fees charged in relation to expert testimony.

Source: Miss. Code Ann. §11-1-52 (1972, as amended).

Rule 10.78 Exclusion. Federal or state agencies providing benefit programs as well as contractual third-party payers and administrators are excluded from the above stated fees. Records that are requested by state or federal agencies as well as contracted payers and administrators may be billed at rates established by those payers and contracts. The release of records as requested by state or federal agencies or third-party payers and administrators may not be refused for failure to pay required fees.

Source: Miss. Code Ann. §73-43-11 (1972, as amended).

Rule 10.89 Violation of Rules. A refusal by a licensee to release patient records shall constitute unprofessional conduct, dishonorable or unethical conduct likely to deceive, defraud or harm the public in violation of Mississippi Code, Section 73-25-29(8)(d).

Source: Miss. Code Ann. §73-43-11 (1972, as amended).

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
IN THE MATTER OF THE PHYSICIAN'S LICENSE
OF
RICHARD ALLEN NANCE, D.O.

CONSENT ORDER

WHEREAS, RICHARD ALLEN NANCE, D.O., hereinafter referred to as "Licensee," is the current holder of Mississippi Medical License No. 18046, issued May 5, 2003, said license number expires on June 30, 2022;

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 Board's Administrative Code pertaining to pre-signing prescriptions, which is unprofessional conduct;

WHEREAS, the above conduct, if established before the Board, constitutes violations of the Mississippi Medical Practice Act, specifically, Subsections (3), (8)(d) and (13) of §73-25-29 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, 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 and conditions as specified below;

NOW, THEREFORE, the Board, with consent of Licensee as signified by his joinder herein, does hereby **suspend** Licensee's medical license (No. 18046), with said suspension **immediately stayed**, subject to the following probationary terms and conditions, to-wit:

(1) Licensee shall, within six (6) months of the date of this Order, successfully complete Board approved Continuing Medical Education (CME) in the areas of (i) Prescribing of Controlled Substances and (ii) Medical Record Keeping, 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 forty (40) hours of Category 1 CME requirements as cited in Title 30, Part 2610, Chapter 2 of the Board's Administrative Code. 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.

(2) 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.

(3) Licensee's practice shall be subject to periodic, unannounced surveillance by the Board, The Executive Director, or any member or agent of the Board, shall have the right at any time to inspect the practice location of Licensee, including, but not limited

to any and all medical records, orders for medication, and any other record or document required to be maintained by Board's Administrative Code.

(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.

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.

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 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 based upon written findings of fact and conclusions of law, **RICHARD ALLEN NANCE, D.O.**, 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, subject to those terms and conditions listed above.

EXECUTED AND EFFECTIVE, this 20th day of September, 2021.


RICHARD ALLEN NANCE, D.O.

ACCEPTED AND APPROVED, this the 23rd day of September, 2021.


WILLIAM D. MCCLENDON, M.D.
BOARD PRESIDENT

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE LICENSE OF:

JAMES LEONARD WOOTTON, III, M.D.

ORDER OF CONTINUANCE

THIS MATTER came on regularly for consideration by the Mississippi State Board of Medical Licensure in response to a request for continuance of the hearing set for this date by James Leonard Wootton, III, M.D., (hereinafter "Licensee") through his counsel Whit Johnson, III, Esq. After consideration of the matter, the Board finds Licensee's request to be well-taken, and is hereby **GRANTED**.

IT IS, THEREFORE, ORDERED, that this matter is continued until November 18, 2021, at 9:00 a.m.

SO ORDERED this, the 23rd day of September 2021.

MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

BY: 
William D. McClendon, Jr., M.D.,
President

**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
IN THE MATTER OF THE PHYSICIAN'S LICENSE
OF
JOSEPH PREMALAL FERNANDO, M.D.**

SURRENDER OF MEDICAL LICENSE

WHEREAS, JOSEPH PREMALAL FERNANDO, M.D., hereinafter referred to as "Licensee," is the current holder of License Number 24989, issued on May 19, 2017, which is currently expired as of June 30, 2021. Licensee retains the inchoate right of renewal.

WHEREAS, Licensee has had his license(s) to practice medicine suspended or restricted by the licensing authorities in the States of Arkansas, California, and Texas.

WHEREAS, the aforementioned suspensions and/or restrictions constitute the refusal of a licensing authority of another state or jurisdiction to issue or renew a license, permit or certificate to practice medicine in that jurisdiction or the revocation, suspension or other restriction imposed on a license, permit or certificate issued by such licensing authority which prevents or restricts practice in that jurisdiction, in violation of Miss. Code Ann., § 73-25-29 (9).

NOW THEREFORE, in order to resolve this matter now pending before the Board, Licensee agrees to voluntarily surrender his medical license (No. 24989) 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 Data Bank and other entities, such as the Federation of State Medical Boards, and is a public record of the State of Mississippi.

Further, Licensee understands and agrees that, should Licensee seek reinstatement, he shall comply with all requirements set forth in Miss. Code Ann., §73-25-32 governing reinstatement after revocation or suspension of a license.

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, **Joseph Premalal Fernando, M.D.**, nevertheless, hereby waives his right to notice and a formal adjudication of charges and hereby voluntarily executes this Surrender of Medical License to practice medicine in the State of Mississippi.

EXECUTED AND EFFECTIVE, this the 20th day of September, 2021.



Joseph Premalal Fernando, M.D.

ACCEPTED AND APPROVED, this the 23 day of September, 2021,
by the Mississippi State Board of Medical Licensure.



Kenneth E. Cleveland, M.D.
Executive Director
Mississippi State Board of Medical Licensure

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE APPLICATION FOR THE LICENSURE OF:
RAMON CABALLERO, M.D.

FINAL ORDER

The above-titled matter came before the Mississippi State Board of Medical Licensure (hereinafter “Board”) in Jackson, Hinds County, Mississippi, on September 23, 2021. A quorum of Board members was present throughout the hearing and deliberation in the matter.

Board Counsel Paul Barnes, Esq., and Stan Ingram, Esq. presented the charges regarding the application for licensure. Ramon Caballero, M.D. (hereinafter “Applicant”), having been served with the Notice to Show Cause, and being fully informed of his rights to a formal hearing before the Board, was represented by John Chapman, Esq. The case was called to hearing without objection from either party.

Alexis Morris, Special Assistant Attorney General, who served as Administrative Hearing Officer, presided at the hearing, and was directed to prepare the Board’s written decision in accordance with its deliberations.

And now, upon consideration of all the material produced in the record before the Board, along with the testimony presented at the hearing, the Board makes the following Findings of Fact, Conclusions of Law and Order based on clear and convincing evidence:

FINDINGS OF FACT

1. The Board is established pursuant to the Mississippi Medical Licensure Act, Title 73, Chapter 43 of the Mississippi Code of 1972, as amended, and is charged with the duty of licensing and regulating the practice of medicine in the State of Mississippi.
2. Sections 73-25-29 and 73-25-83 of the Miss. Code Ann. (1972) as amended, provide that the board may deny an application for license if the applicant has violated any provisions therein.
3. Applicant applied for a new license to practice medicine in the state of Mississippi on or about March 9, 2021. See Exhibit 1. Applicant answered positively (“yes”) to the following questions of note on his licensure application:

Has your certificate of qualification or license to practice medicine in any state been suspended, revoked, restricted, conditioned, or voluntarily surrendered under threat of suspension?

Ha[ve] your staff privileges at any hospital or health care facility been revoked, suspended, curtailed, limited, or placed under conditions restricting your practice?

4. The Board issued an Order to Show Cause based on the narratives given on Applicant's application. See Exhibit 2. On or about September 2, 2005, a complaint was filed against Applicant with the Kentucky Board of Medical Licensure alleging improper prescribing and suspicion of impairment.
5. In June 2006, Applicant entered into an Agreed Order. This order noted that Applicant could not produce medical charts on five (5) of the seven (7) employees whom he prescribed controlled substances. Additionally, the Kentucky Board of Medical Licensure found that Applicant's practice was "below the expected standards for anorectics in regard to his failure to document anorectic prescriptions to employees/patients." The order was terminated in November 2007 after Applicant completed the terms therein. See Exhibits 2 and 3.
6. In August 2014, Applicant was suspended at Georgetown Community Hospital (GHC), located in Georgetown, Kentucky, for failure to complete records, follow-up with patients, and failure to be responsive to calls. See Exhibit 4.
7. In April 2016, Applicant was issued a letter of concern by Kentucky Board of Medical Licensure regarding expensive and medically unnecessary drug screens that were deemed unprofessional. See Exhibit 5.
8. In January 2018, Applicant was issued a letter of concern by Kentucky Board of Medical Licensure regarding failure to provide medical records after closing his practice. Simultaneously, Applicant was also sent a letter of admonishment by the Kentucky Board of Medical Licensure after an expert reviewed a particular patient record and found Applicant had "nicked" an intestine during surgery. See Exhibit 6.
9. Also, on the application filed with the Board on March 9, 2021, Applicant answered negatively ("no") to the application question which reads: *Have you ever been arrested?* See Exhibit 1. It was later determined that Applicant was arrested in Kentucky for driving on a suspended license stemming from an unpaid ticket related to a traffic violation in Washington State. See Exhibit 7. Applicant testified at the show-cause hearing that he did not consider this incident to be an arrest – even though he was detained and fingerprinted.
10. In May 2021, while the licensure vetting process at the Board was in process, Applicant was arrested for domestic violence by Lee County Sheriff's Office in Leesburg, Georgia. The arrest, discovered via the Board's FBI background check process, prompted a request by the Board for Applicant to provide an explanation.

11. In May 2021, Applicant provided a response to the Board. See Exhibit 8. In that response, Applicant admitted to slapping his wife during an argument. During his testimony before this Board, Applicant admitted that he made a mistake by failing to disclose this recent arrest to the Board.
12. Applicant also testified that he had applied for and received his medical license in Florida; however, he conceded that he had not informed the Florida Board of Medicine of his recent arrest prior to the issuance of the license. Applicant stated that his attorney was handling the matter with the Florida Board of Medicine.

CONCLUSIONS OF LAW

1. The Board has jurisdiction in this matter pursuant to §§ 73-25-29 and 73-25-83(a), Mississippi Code of 1972, as amended. Venue is likewise properly placed before the Board to hear this matter in Hinds County, Mississippi.
2. These proceedings were duly and properly convened, and all substantive and procedural requirements under law have been satisfied. This matter is, therefore, properly before the Board.
3. The Board is authorized to license and regulate persons who apply for or hold medical licenses and prescribe conditions under which persons may practice in order to protect the public health, safety, and welfare.
4. The Applicant bears the burden of establishing that he satisfies the requirements for licensure as a medical doctor.
5. Based on the foregoing, Applicant guilty of Count I of the Affidavit filed herein, that is, guilty of having been disciplined by a licensed hospital or medical staff of said hospital, all in violation of Miss. Code Ann. § 73-25-83(c).
6. Based on the foregoing, Applicant guilty of Counts II, IV and VI of the Affidavit filed herein, that is, guilty of unprofessional conduct, including any dishonorable or unethical conduct likely to deceive, defraud or harm the public, in violation of Miss. Code Ann., § 73-25-29(8)(d) and § 73-25-83(a).
7. Based upon the foregoing, Applicant is guilty of Count III of the Affidavit filed herein, that is, guilty of the use of any false, fraudulent, deceitful, dishonest or immoral practice in connection with any of the licensing requirements, including the signing in his professional capacity any certificate that is known to be false at the time he makes or signs such certificate, in violation of Miss. Code Ann., §73-25-29(8)(f).

8. Based upon the foregoing, Applicant is guilty of Count V of the Affidavit filed herein, that is, guilty of the use of any false, fraudulent, deceitful, dishonest or immoral practice in connection with any of the licensing requirements, all in violation of Miss. Code Ann., §73-25-29(8)(f).
9. According to §§ 73-25-29 and 73-25-83 (a), the Board may deny an application for a Mississippi license to practice medicine.

Based upon the above Findings of Fact and Conclusions of Law, the Board finds the following order to be appropriate under the circumstances.

ORDER

IT IS THEREFORE ORDERED THAT Applicant's application for licensure in the state of Mississippi is hereby denied for attempting to obtain a license by fraud or deception – in violation of Miss. Code Ann. § 73-25-29(8)(f).

IT IS FURTHER ORDERED that this action and order of the Board shall be public record. It may be shared with other licensing boards (in and out of state), and the public, and may be reported to the appropriate entities as required or authorized by state and/or federal law or guidelines. This action shall be spread upon the Minutes of the Board as its official act and deed.

SO ORDERED this, the 23rd day of September 2021.

MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

BY: 
William D. McClendon, Jr., M.D.
President