

**BOARD MINUTES
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
NOVEMBER 18, 2021**

The regularly scheduled meeting of the Mississippi State Board of Medical Licensure was held on Thursday, November 18, 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
H. Allen Gersh, M.D., Hattiesburg
Kirk L. Kinard, D.O., Oxford
Thomas Joiner, M.D., Jackson
Daniel Edney, M.D., Vicksburg
Roderick Givens, M.D., Natchez
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:

Charles D. Miles, M.D., West Point

The meeting was called to order at 11:03 am, by Dr. McClendon, President. The invocation was given by Dr. Givens and the pledge was led by Dr. Lippincott.

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

EXECUTIVE DIRECTOR REPORT

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Dr. Cleveland provided an updated summary regarding Licensure and Investigative Division operations for the months of September through October 2021. Dr. Cleveland introduced the agency's new lobbying group, Capitol Resources, Claire Hester.

Review and Approval of the Corrected Minutes of the Board Meeting dated July 22, 2021.

Upon review of the minutes of the Executive Committee Meeting dated July 22, 2021, Dr. Owens moved for approval of the minutes as submitted. Dr. Givens seconded the motion and it carried unanimously.

Review and Approval of the Executive Committee Meeting dated September 23, 2021.

Upon review of the minutes of the Executive Committee Meeting dated September 23, 2021, Dr. Joiner moved for approval of the minutes as submitted. Dr. Owens seconded the motion and it carried unanimously.

Review and Approval of Minutes of the Board Meeting dated September 23, 2021.

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

Review and Approval of Minutes of the Board Meeting dated October 25, 2021.

Upon review of the minutes of the Board Meeting dated October 25, 2021, Dr. Joiner moved for approval of the minutes as corrected regarding members present for that meeting. Dr. Edney 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 that 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 Michael Boggs, M.D., and Daniel Shreeve, M.D. In the matter of PA Jodi Clements, a waiver was granted for her collaborating physician who did not meet the 20-hour requirement.

A motion was made by Dr. Kinard, seconded by Dr. Givens, and carried, to accept the report and ratify the decisions as reported by the Executive Committee.

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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 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. Kinard reported a change in the Physician Health Program staff and rise in referrals.

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

Dr. Edney advised the committee had a joint meeting with the Rules and Regulation Committee to discuss Part 2635 Chapter 5: Practice of Telemedicine Regulation. Change in language to update collaborative relationships in telemedicine and the definition of "Real Time Telemedicine."

A motion was made by Dr. Joiner, seconded by Dr. Givens, and carried, to accept the report and recommendations of the Rules, Regulation & Legislative Committee to adopt this regulation on an emergency basis.

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

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 no new information to report.

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

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Dr. Owens reported the committee had a joint meeting with the Telemedicine committee to discuss changes in language regarding the regulation, Part 2615: Physician Assistants and Part 2630 Collaboration, Chapter 1: Collaboration with Nurse Practitioners in regard to telemedicine. It is recommended to the Board to adopt this regulation on an emergency basis.

A motion was made by Dr. Joiner, seconded by Dr. Givens, 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.

FOR INFORMATIONAL PURPOSES

Mr. Barnes briefly summarized the following surrenders for: Hazem Barmada, M.D., Ocean Springs, MS, Medical License 16903; Surrender of Medical License, Larry Kenneth Cruel, D.P.M., Jackson, MS, Podiatric License 80152, Surrender of Podiatric License; and Cooper McIntosh, M.D., Oxford, MS, Medical License 13540, Surrender of Medical License.

Copies of the Orders are attached hereto and incorporated by reference.

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

Mr. Barnes advised a second motion for a continuance was received from Dr. Wootton, who is represented by Whit Johnson.

A motion was made by Dr. Joiner, seconded by Dr. Owens, 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 Julie Brown, Court Reporter, Brown Court Reporting.

HEARING IN THE CASE OF ROBERT KENT OZON, M.D., GULFPORT, MS, MISSISSIPPI MEDICAL LICENSE 17909

Mr. Barnes advised a motion for a continuance was received.

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

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

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

HEARING IN THE CASE OF TIMOTHY E. WHITTLE, M.D., WEST POINT, MS
MISSISSIPPI MEDICAL LICENSE NUMBER 11439

Mr. Barnes advised that Dr. Whittle has requested to be removed from the docket and placed on the January agenda.

A motion was made by Dr. Kinard, seconded by Dr. Owens, 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 Julie Brown, Court Reporter, Brown Court Reporting.

THE BOARD RECESSED AT 11:28 PM FOR LUNCH AND RETURNED AT 12:30 PM

HEARING IN THE CASE OF TIMOTHY JACKSON, M.D., GULFPORT, MS
MISSISSIPPI MEDICAL LICENSE NUMBER 14510

Mr. Ingram advised this is a petition for a reinstatement of Dr. Jackson's medical license. Mr. Ingram briefly summarized the case and introduced documents into the record.

Mr. Ingram introduced Dr. Jackson and his attorney Mr. Bill Whitfield.

Mr. Whitfield introduced documents into the record and briefly summarized Dr. Jackson's current status and his request to return to the practice of medicine having passed the SPEX exam as stipulated by the Board on July 22, 2021.

Dr. Jackson and Mrs. Jackson were sworn in by the court reporter.

Mrs. Jackson requested to testify on behalf of her husband and briefly summarized the personal circumstances leading his convictions for income tax evasion. Mrs. Jackson exited the witness stand.

Dr. Jackson was called to the witness stand and Dr. Jackson answered questions from, Mr. Ingram, Mr. Whitfield and the Board.

Mr. Ingram made a closing statement.

A motion was made by Dr. Owens, seconded by Dr. Joiner, and carried that the Board meeting be closed to discuss whether to enter into executive session on this matter.

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A motion by Dr. Owens, seconded by Dr. Givens, and carried that the Board enter into executive session to discuss investigative proceedings regarding allegations of misconduct or violations of law by Licensee.

Upon a motion by Dr. Edney, seconded by Dr. McClendon 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 for approval of reinstatement of the medical license with surgical privileges restricted until successful completion of a Board-approved re-entry program to be determined by the Executive Director.

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.

THE BOARD RECESSED FOR A BREAK AT 2:01 PM AND RETURNED AT 2:07 PM

HEARING IN THE CASE OF FRANK C. WADE, JR., M.D., MAGEE, MS
MISSISSIPPI MEDICAL LICENSE NUMBER 10798

Mr. Ingram advised this is a petition for a reinstatement of Dr. Wade's medical license. Mr. Ingram briefly summarized the case in that Dr. Wade appeared before the Board in a hearing on March 24, 2021 and was found guilty of unprofessional conduct within a professional boundary violation with a patient and failing to maintain proper patient records for controlled substances. At that time, the Board suspended Dr. Wade's medical license.

Mr. Ingram introduced Dr. Wade and his attorney Mr. Johnny Wade.

Mr. Ingram introduced documents into the record.

Mr. Wade introduced documents into the record and briefly summarized Dr. Wade's current status and his request to return to the practice of medicine having completed certain conditions as stipulated by the Board on March 24, 2021.

Dr. Wade was sworn in by the court reporter.

Dr. J. Anthony Cloy, Medical Director of the Mississippi Physician Health Program was sworn in.

Dr. Wade was called to the witness stand and he answered questions from Mr. Ingram, Mr. Wade and the Board.

Dr. Cloy was called to the witness stand and answered questions pertaining to Dr. Wade's compliance to treatment recommendations. Dr. Cloy testified regarding Dr. Wade's compliance and future monitoring.

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A motion was made by Dr. Owens, seconded by Dr. Kinard, and carried that the Board meeting be closed to discuss whether to enter into executive session on this matter.

A motion by Dr. Owens, seconded by Dr. Kinard, and carried that the Board enter into executive session to discuss investigative proceedings regarding allegations of misconduct or violations of law by Licensee.

Upon a motion by Dr. Owens, 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 approve the reinstatement and for Dr. Wade to abide with the Mississippi Physician Health Program monitoring.

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.

JANUARY 2022 BOARD MEETING DATES

The next regularly scheduled meeting of the Board is set for Wednesday, January 19, 2022, and Thursday, January 20, 2022.

ADJOURNMENT

There being no further business, the meeting was adjourned at 2:59 p.m.



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

Minutes taken and transcribed.

By Frances Carrillo

Staff Officer

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