

**BOARD MINUTES
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
JULY 21, 2022**

The regularly scheduled meeting of the Mississippi State Board of Medical Licensure was held on Thursday July 21, 2022, in Hinds County, Jackson, Mississippi.

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
Kirk L. Kinard, D.O., Oxford
Thomas Joiner, M.D., Jackson (via zoom)
Roderick Givens, M.D., Natchez
Renia Dotson, M.D., Greenville
William E. Loper, M.D., Ridgeland
Wesley Breland, Hattiesburg, Consumer Member
Shoba Gaymes, Jackson, Consumer Member

ALSO PRESENT:

Paul Barnes, Board Attorney
Leyser Hayes, Special Assistant Attorney General
Kenneth Cleveland, Executive Director
Mike Lucius, Deputy Director
Anna Boone, Director of Licensure Division
Arlene Davis, IT Director
Kristin Wallace, Clinical Director of Physician Compliance
Jonathan Dalton, Investigations Supervisor
Frances Carrillo, Staff Officer

NOT PRESENT:

H. Allen Gersh, M.D., Hattiesburg
Major General (Ret.) Erik Hearon, Jackson, Consumer Member

The meeting was called to order at 9:00 am, by Dr. McClendon, President. The invocation was given by Dr. Joiner and the pledge was led by Dr. Lippincott.

Dr. McClendon introduced Leyser Hayes, Special Assistant Attorney General as the Board's Hearing Officer and Lori Busick, Court Reporter with Brown Court Reporting.

Special Assistant Attorney General Leyser Hayes administered the Oath of Office to reappointed Board Member, Dr. McClendon, representing the second Supreme Court District; newly appointed Board Member, Dr. Dotson, representing the Third Supreme Court District; and newly appointed Board Member, Dr. Loper, representing the First Supreme Court District.

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A motion was made by Dr. Joiner, seconded by Dr. Owens, and carried, to change the order of the hearings to first, Dr. Pham, second, Dr. Lovin, and last Dr. Almeida.

Mike Lucius introduced a special guest attending the meeting, Anna Stovall, Legislative Budget Office Analyst.

Review and Approval of Minutes of the Executive Committee Meeting dated May 18, 2022.

Upon review of the minutes of the Executive Committee Meeting dated May 18, 2022, 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 May 19, 2022.

Upon review of the minutes of the Board Meeting dated March 19, 2022, Dr. Owens moved for approval of the minutes as submitted. Dr. Lippincott seconded the motion and it carried unanimously.

Review and Approval of the Specially Called Board Meeting dated June 23 & 24, 2022.

Upon review of the minutes of the Specially Called Board Meeting dated June 23 and 24, 2022, Dr. Joiner moved for approval of the minutes as submitted. Dr. Owens seconded the motion and it carried unanimously.

Executive Director Report

Dr. Cleveland provided an updated summary regarding Licensure and Investigative Division operations for the months of May and June 2022.

Report of July 20, 2022, Executive Committee Meeting

Dr. Lippincott reported on the matters discussed by the Executive Committee on March 23, 2022, and the recommendations made.

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

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

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

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

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

Dr Lippincott advised there was no new information to report.

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

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

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

Dr Owens reported on the content of the last newsletter that highlighted Board Members and staff that had served in the military.

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

Dr Owens advised there was no new information to report.

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

Dr Joiner advised there was no new information to report.

OTHER BUSINESS

Psychiatric questions on initial licensure applications. Claude Brunson, M.D., Executive Director of the Mississippi State Medical Association, petitioned the Board to remove the psychiatric questions listed on the initial licensure application and to replace them with the attestation statement used for other purposes.

After discussion, Dr. Joiner moved to remove the questions on the initial licensure application and to replace them with the attestation statement. Dr. Owens seconded the motion and it carried unanimously.

Dispensing Regulations In Part 2640, Chapter 1, Rule 1.9. Hawk Sindel, CEO, Urology Associates of Mobile petitioned the Board to revise the dispensing regulation.

After discussion, a motion was made by Dr. Owens, seconded by Dr. Lippincott, and carried, to refer this request to the Rules, Regulation & Legislative Committee for consideration.

APPROVAL OF INVESTIGATIVE SUBPOENAS CASE NO. 2022-097, PURSUANT TO MISS. CODE § 73-25-27

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A motion was made by Dr. Lippincott, seconded by Dr. Owens, and carried that the Board enter executive session for the purpose of discussing whether to issue subpoenas regarding investigations of alleged misconduct and violations of the statutes and regulations governing the practice of medicine in Case No. 2022-097.

Upon a motion by Dr. Owens, seconded by Dr. Givens and carried unanimously, the Board came out of executive session. It was reported that the Board unanimously authorized the issuance of investigative subpoenas in Case No. 2022-097. Pursuant to Miss. Code § 73-25-27, the Executive Director of the Board is hereby authorized to issue the aforementioned investigative subpoenas and this authorization shall be deemed an order entered on the minutes of the Board.

For Informational Purposes:

David Ari Lapidès, M.D., Fort Myers, FL, Mississippi Medical License 28450, Surrender of Medical License effective 07/11/2022.

Mr. Barnes briefly summarized the circumstances of Dr. Lapidès voluntarily surrendering his medical license. Dr. Lapidès pled guilty to federal charges related to transportation of child pornography, Dr. Lapidès is awaiting imprisonment.

HEARING IN THE CASE OF HUONG PHAM, M.D., MOUND BAYOU, MS MISSISSIPPI MEDICAL LICENSE 24787

Mr. Douglas Mercier and Mr. Philip Chapman were introduced as counsel for Dr. Pham.

Mr. Barnes introduced documents into the record.

Dr. Pham was sworn in by the court reporter.

Mr. Barnes made an opening statement.

Mr. Mercier made an opening statement.

Dr. Pham is called to the stand and is questioned by Mr. Barnes. Mr. Chapman questioned Dr. Pham to begin with a summary of her education and training to include her clinical assessment results.

Mr. Barnes questioned Dr. Pham on redirect regarding the clinical assessment.

Mr. Chapman questioned Dr. Pham on redirect regarding the assessment report.

Dr. Pham answered questions from Board members.

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Mr. Barnes made a closing statement.

Mr. Mercier made a closing statement.

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. Givens, and carried that the Board enter into executive session to discuss and deliberate a matter related to alleged misconduct by Dr. Pham and possible entry of an appealable order.

Upon a motion by Dr. Givens, seconded by Dr. Owens 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 by clear and convincing evidence the Board finds Licensee guilty of count one and count two and for her license to be suspended with conditions for reinstatement to be the completion of a board approved re-entry program.

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

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

THE BOARD RECESSED FOR LUNCH AT 12:37 PM AND RECONVENED AT 1:45 PM

SHOW CAUSE HEARING IN THE CASE OF JEFFREY LOVIN, M.D., DEL MAR, CA APPLICANT

Mr. Douglas Mercier was introduced as counsel for Dr. Lovin.

Mr. Barnes introduced documents into the record.

Mr. Mercier introduced documents into the record.

Mr. Barnes objected to the letters from Dr. Abrams and Dr. Lareau regarding Dr. Lovin's psychiatric status. The grounds are Dr. Lovin is not being charged by this Board for being mentally unfit to practice medicine. The focus of the Show Cause Order is based on adverse action by other medical boards. These actions are not based on Dr. Lovin's mental fitness. Further, the letters could be viewed as an attempt to backdoor an American with Disabilities claim, Mr. Barnes objected on this basis. Also, Dr. Lovin had not made such a claim formally. After discussion, Ms. Hayes ruled to allow the record to reflect Mr. Barnes' objection, but it is overruled.

Dr. Lovin was sworn in by the court reporter.

Mr. Barnes made an opening statement.

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Mr. Mercier made an opening statement.

Mr. Barnes reviewed the Show Cause affidavit charges.

Dr. Lovin is called to the stand and is questioned by Mr. Mercier. Dr. Lovin gave a summary of his education, training, military service, and his subsequent radiologic practice. Mr. Mercier questioned Dr. Lovin regarding prior medical board action by California and Colorado.

THE BOARD RECESSED FOR AT 2:59 PM AND RECONVENED AT 3:10 PM

Mr. Barnes recalled Dr Lovin for questions.

Mr. Mercier questioned Dr Lovin. on redirect regarding the California medical board action.

Dr. Lovin answered questions from Board members.

Mr. Barnes advised the Board that he and Mr. Mercier had agreed to waive any closing statements.

Dr. Lovin answered additional questions from Board members.

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.

A motion by Dr. Owens, seconded by Dr. Givens, and carried that the Board enter into executive session to discuss and deliberate a matter related to alleged misconduct by Dr Lovin and possible entry of an appealable order.

Upon a motion by Dr. Kinard, seconded by Dr. Givens 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 based on clear and convincing evidence that Applicant is guilty of counts I, II, III, IV, and V. Therefore the application for licensure is denied.

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

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

HEARING IN THE CASE OF OSCAR D. ALMEIDA, JR., M.D., MOBILE, AL MISSISSIPPI MEDICAL LICENSE 18856

Dr. Almeida was present and without counsel.

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Ms. Hayes advised Dr. Almeida of his right to counsel and asked if he chose to continue this proceeding without an attorney, Dr. Almeida agreed.

Mr. Barnes introduced documents into the record.

Mr. Barnes objected to certain documents offered by Dr. Almeida due to the relevance in that it is improper for Dr. Almeida to relitigate the findings issued by the Medical Board of Alabama. Dr. Almeida has a pathway to appeal this decision in the state of Alabama.

Dr. Almeida objected to Mr. Barnes objection of the documents he provided. He advised that the documents will be presented to serve as clarification and historical information.

Ms. Hayes advised that her decision is not to accept Dr. Almeida's submission which allows relitigation of the Alabama decision but will allow the Board to review Dr. Almeida's documents.

Dr. Almeida introduced a PowerPoint to present his case. Mr. Barnes objected to the PowerPoint presentation and argued that the information was also the same material as previously ruled by Ms. Hayes. Ms. Hayes' decision was to deny submission of the PowerPoint presentation for the same reasons as her earlier ruling. Mr. Barnes agreed to allow a copy of the presentation into the record as a proffer and Ms. Hayes agreed.

Dr. Almeida was sworn in by the court reporter.

Mr. Barnes made an opening statement.

Dr. Almeida made an opening statement.

Dr. Almeida is called to the stand and is questioned by Mr. Barnes.

THE BOARD RECESSED FOR AT 5:50 PM AND RECONVENED AT 6:00 PM

Dr. Almeida returned to the stand and answered questions from Mr. Barnes.

Dr. Almeida presented his case followed by answering questions from the Board.

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. Givens, seconded by Dr. Owens, and carried that the Board enter into executive session to discuss and deliberate a matter related to alleged misconduct by Dr Almeida and possible entry of an appealable order.

Upon a motion by Dr. Joiner, seconded by Dr. Givens 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 with clear and

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convincing evidence the Board finds Dr. Almeida guilty of counts I, II, III, and IV. Licensee is indefinitely suspended with the suspension stayed, but put on probation subject to the same conditions as decreed by the Medical Licensure Commission of Alabama.

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

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

SEPTEMBER 2022 BOARD MEETING DATES

The next regularly scheduled meeting of the board is set for Wednesday, September 21, 2022 and Thursday, September 22, 2022.

ADJOURNMENT

There being no further business, the meeting is adjourned at 7:42 p.m.



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

Minutes taken and transcribed.

By Frances Carrillo

Staff Officer

July 21, 2022

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

DAVID ARI LAPIDES, M.D.

SURRENDER OF MEDICAL LICENSE

WHEREAS, DAVID ARI LAPIDES, M.D., hereinafter referred to as "Licensee," is the current holder of Mississippi Medical License No. 28450, issued on December 22, 2020, to practice medicine in the State of Mississippi;

WHEREAS, Licensee entered a plea of guilty to two felony charges of possession, reproduction, distribution, solicitation and facilitation of child pornography in the state of Virginia;

WHEREAS, such conduct, if established in a due process hearing before the Board, is in violation of the Mississippi Medical Practice Act, specifically Miss. Code Ann., §73-25-29(6), (8)(d) and 73-25-83(a), as amended for which the Mississippi State Board of Medical Licensure may revoke said license, or take any other action the Board may deem proper under the circumstances;

NOW, THEREFORE, Licensee hereby voluntarily surrenders his medical license (No. 28450) 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 and 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.

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, **DAVID ARI LAPIDES, M.D.**, nevertheless, hereby waives his right to notice and a formal adjudication of charges and hereby voluntarily executes this **Surrender of Medical License**.

EXECUTED AND EFFECTIVE, this the 11, day of July, 2022.

A handwritten signature in black ink, appearing to read 'D. A. Lapidés', written over a horizontal line.

DAVID ARI LAPIDES, M.D.

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

**IN THE MATTER OF THE MEDICAL LICENSE OF:
HOUNG PHAM, M.D. (NO. 24787)**

DETERMINATION AND ORDER

The above-titled matter came before the Mississippi State Board of Medical Licensure (“Board”) in Jackson, Hinds County, Mississippi, on July 21, 2022, pursuant to a Summons and Affidavit issued to HOUNG PHAM, M.D.

Complaint Counsel for the Board was Honorable Paul E. Barnes, Esq., who presented the charges as set forth in the Affidavit as filed herein. Licensee, having been served with the Summons and being fully informed of her rights to a formal hearing before the Board, was present and represented by Honorable Douglas G. Mercier, Esq. and Honorable Phillip Chapman, Esq. Leyser Q. Hayes, Special Assistant Attorney General, served as Administrative Hearing Officer, presided at the hearing and was directed to prepare the Board’s written decision in accordance with their deliberations. This matter was called to hearing without objection by either party.

A quorum of Board members was present throughout the hearing and deliberation in the matter. Board members present for the proceedings were William D. McClendon, Jr., M.D, President; Michelle Y. Owens, M.D.; Ken Lippincott, M.D; Renia R. Dotson, M.D.; Roderick Givens, M.D.; Thomas E. Joiner, M.D.; Kirk L. Kinard, D.O.; and William E. Loper, III, M.D. Consumer members present were Koomarie “Shoba” Gaymes and Wesley Breland.

A composite exhibit was introduced, without objection, as Exhibit “3” and included the following Bates-numbered documents:

Exhibit 3.1 Licensee’s Application for M.D. Permanent Renewal dated 6-26-2022 (B-PH000001-PH000005);

Exhibit 3.2 Summons and Affidavit (B-PH000006-PH000013), Agreement Not to Practice (B-PH000014-PH000015), Letter dated 4-28-

2022 from Francis Carrillo to Licensee (B-PH000016), Agreement to Appear Informally Before Executive Committee (B-PH000017);

Exhibit 3.3 Agreement Not to Practice Surgery (B-PH000018-PH-000019);

Exhibit 3.4 PACE Physician Assessment of Huong Pham, M.D., MS Medical License No. 25787 (B-PH000020-PH000044) (Redacted)¹;

Exhibit 3.5 Agreement Not to Practice (B-PH000045-PHPH000046);

Exhibit 3.6 CPEP Assessment Report for Huong Pham, M.D. (B-PH000047-PH000067);

Exhibit 3.7 CPEP Education Plan Developed April 2022 for Huong Pham, M.D. (B-PH000068-PH000092).

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 State Board 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 pursuant to title 73, Chapter 25 of the Mississippi Code of 1972 as amended.

2. Sections 73-25-29, 73-25-83 and 73-25-87 of the Mississippi Code Annotated (1972) as amended provide that the Board may revoke or suspend a license or take any other actions as deemed necessary if a license has violated any provisions therein.

3. All parties were properly noticed of the matter now pending before the Board.

4. Houng Pham, M.D. ("Licensee"), currently holds Mississippi Medical License Number 24787, and said number is valid until June 30, 2023. Licensee has not practiced in Mississippi since September 2021.

¹ Portions of Exhibit 3.4 were redacted to protect confidential information regarding Licensee. An unredacted copy of Exhibit 3.4 was introduced under seal, and the unredacted document was available to the Board Members throughout the proceedings and deliberation.

5. On or about November 30, 2020, the Board received a complaint from confidential sources indicating that Licensee had performed certain procedures without an adequate degree of skill, resulting in complications. There were also reports that Licensee had been reported to the hospital administration over concerns regarding her skill, but nothing had been done to address the concerns. During the hearing Licensee expressed that the initial complaint was associated with a complication with a C-Section in which delivery took longer than usual. All of these issues prompted an investigation.

6. An investigation was conducted by the Board regarding Licensee's ability to conduct the practice of medicine safely. At the conclusion of the investigative process a meeting was held with the Licensee and her legal counsel at the Board office on April 22, 2021. At that meeting, the concerns regarding Licensee's skills and ability to practice medicine safely were discussed. On April 22, 2021, Licensee agreed to sign an Agreement Not to Practice Surgery in lieu of formal action, as a sign of good faith and willingness to cooperate with the Board.

7. As part of the Agreement, Licensee consented to present for a competency/clinical skills assessment at a Board-approved facility. The evaluation was scheduled via the University of San Diego School of Medicine's Physician Assessment and Clinical Education (PACE) program. The purpose of the report was to assess concerns raised regarding licensee's surgical practice and skills.

8. Licensee presented for the evaluation at PACE from June 28 thru July 2, 2021. However, due to COVID-19, portions of the examination were done virtually to reduce transmission risks. The evaluation found Licensee's performance unsatisfactory; several places in the report set forth that Licensee's performance was "unsatisfactory" or "barely satisfactory". Examiners found that the MicroCog cognitive screening exam warranted further neuropsychological testing. Additionally, several of the faculty and staff commented on Dr. Pham's perceived poor professionalism and noted that she was manipulative and pressured them to do things outside of the standard PACE process.

9. A report was generated by PACE. In the report several recommendations were made inclusive of a minimum of one (1) year of self-study and other learning activities with an average of 30 to 40 hours per week to address deficits and neuropsychological testing. The report also reflected that Licensee failed the evaluation, i.e., she received a Category 4 rating which signified a poor performance that was not compatible with overall physician competency and safe practice. The PACE report specified: "The faculty and staff of the UCSD PACE Program do not give an outcome of 'Fail' lightly or casually. This assignation reflects major, significant deficiencies in clinical competence"

10. On September 8, 2021, Licensee met with the Board's Executive Director to discuss the PACE report. Licensee expressed that she did not agree with the findings of the assessment and requested a second clinical assessment with a different Board-approved facility. At this meeting, the Licensee signed a new non-public agreement, an Agreement Not to Practice restricting her from practicing medicine in any manner pending the outcome of the second evaluation and Board approval.

11. On October 21 – 23, 2021, Licensee presented to the Center for Personalized Education for Professionals (CPEP) for a second opinion of her clinical skills. The CPEP final report indicated that, "overall, Licensee's performance in some scenarios was consistent with medical competence. In others, she managed cases in a way that could lead to potential serious adverse consequences (primarily lack of obtaining pertinent history and not responding with appropriately emergent actions; she was noted to 'freeze' during times of stress). Appropriate management tended to occur when faced with less urgent situations". However, the CPEP report concluded that Licensee's overall management of delivery and associated skills was classified as "unsafe" and performance as "not competent."

12. CPEP recommended that Licensee participate in a structured, individualized Educational Individualized Educational Intervention, and drafted a proposed Education Plan for Licensee. CPEP detailed the following education recommendations:

- Period of direct observation: CPEP recommends a period that Licensee undergo direct supervision by a respected, board-certified obstetrician/gynecologist colleague to ensure she has maintained her skills in these areas. In the event this is not possible, Licensee must seek additional intensive simulation training.
- Education Preceptor: Licensee should have regularly scheduled meetings with an experienced educational preceptor to review cases and documentation, discuss decisions related to those cases, review specific topics, and make plans for future learning.
- Continuing Medical Education (CME) and Self-Study: Licensee should engage in CME courses and self-study that include the topics indicated in areas of demonstrated need.
- Documentation: Licensee shall complete a medical recordkeeping course.
- Communication: Licensee shall consider completing a clinician-patient communication course.

13. On cross-examination Licensee testified about her educational background and the fact that she was licensed in Texas and Louisiana. She also expressed that the complaint against her was initiated by a colleague, that there were no prior malpractice actions against her and that she was not aware there was a problem until she met with the Executive Director.

14. Licensee testified that the CPEP assessment came after PACE but was conducted within the same year and that CPEP also looked at what PACE evaluated, e.g., professionalism, communication, and documentation etc. She testified that the CPEP assessment found no cognitive function issues, and did not raise questions about her communication skills or professionalism. She further related that, if compared, PACE and CPEP did not agree in certain areas under review.

15. Licensee testified that in the PACE assessment she was not found to be an immediate risk to staff or her patients. She further testified that she wished to maintain her license and follow CPEP recommendations, and that she desired to work under the CPEP-recommended education plan. Licensee stated during the hearing that she did not yet have a preceptor.

CONCLUSIONS OF LAW

1. The Board has jurisdiction in this matter pursuant to sections 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. The 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 a medical license and prescribe conditions under which persons may practice in order to protect the public health, safety and welfare.

4. Based upon the clear and convincing evidence and testimony presented, Licensee is found guilty of **Count I** of the Affidavit, i.e., guilty of professional incompetence in the practice of medicine or surgery, in violation of Miss. Code Ann. § 73-25-83(b).

5. Based upon the clear and convincing evidence and testimony presented, Licensee is found guilty of **Count II** of the Affidavit, i.e., guilty of unprofessional conduct, which includes, but is not limited to, any dishonorable or unethical conduct likely to deceive, defraud or harm the public, in violation of Miss. Code Ann. §§ 73-25-(8)(d) and 73-25-83(a).

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

ORDER

IT IS THEREFORE ORDERED THAT Mississippi Medical license No. 24787, issued to Huong Pham, M.D., is hereby suspended with conditions for reinstatement to be successful completion of a Board approved re-entry training program. Questions concerning the details of the re-entry program are to be directed to the Executive Director.

IT IS THEREFORE ORDERED that in the event Licensee chooses to petition for reinstatement of license, she shall personally appear before the Board and establish that she has met the requirements of the re-entry training program.

IT IS FURTHER ORDERED that 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, not to exceed \$10,000, by written notification, and shall tender to the Board a certified check or money order within forty (40) days after the date the assessment is mailed to Licensee via U.S. mail at Licensee's current mailing address.

IT IS FURTHER ORDERED that Licensee shall cooperate with the Board, its attorneys, investigators, and other representatives in the investigations and monitoring of Licensee's practice and compliance with the provisions of this Determination and Order.

IT IS FURTHER ORDERED, that if Licensee violate the terms of this Determination and Order or further violates the laws, rules and regulations governing the practice of medicine, the Board may take further disciplinary action against Licensee, up to and including revocation of her license.

IT IS FURTHER ORDERED that this Determination and Order shall be public record. It may be shared with other licensing boards (in and out of state), 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 21st day of July, 2022.

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 APPLICATION
FOR MEDICAL LICENSURE OF:
JEFFREY LOVIN, M.D. (NO. LOVI-Z9LF28)**

ORDER DENYING ISSUANCE OF A LICENSE

The above-titled matter came before the Mississippi State Board of Medical Licensure (“Board”) in Jackson, Hinds County, Mississippi, on July 21, 2022, pursuant to the Petition of Jeffrey Lovin, M.D. (hereinafter “Applicant”) seeking issuance of a license to practice medicine in the State of Mississippi.

Complaint Counsel for the Board was Honorable Paul E. Barnes, Esq., who presented the charges as set forth in the Affidavit as filed herein. Licensee, having been served with the Summons and being fully informed of his rights to a formal hearing before the Board, was present and represented by Honorable Douglas G. Mercier, Esq. Leyser Q. Hayes, Special Assistant Attorney General, served as Administrative Hearing Officer, presided at the hearing, and was directed to prepare the Board’s written decision in accordance with their deliberations. This matter was called to hearing without objection by either party.

A quorum of Board members was present throughout the hearing and deliberation in the matter. Board members present for the proceedings were William D. McClendon, Jr., M.D, President; Michelle Y. Owens, M.D.; Ken Lippincott, M.D; Renia R. Dotson, M.D.; Roderick Givens, M.D.; Thomas E. Joiner, M.D.; Kirk L. Kinard, D.O.; and William E. Loper, III, M.D. Consumer members present were Koomarie “Shoba” Gaymes and Wesley Breland.

A composite exhibit was introduced by Complaint Counsel, without objection, as Exhibit “1” and included the following Bates numbered documents:

1.1 Order to Show Cause/Affidavit with exhibits (B - LO 000001-000010)

- Exhibit A: Colorado Stipulation and Final Agency Order (000011-22)

- Exhibit B: 08/13/2021 - CPHP letter to CO Medical Board (000023-35)
 - Exhibit C: California Accusation and Petition to Revoke Probation (000036-109)
- 1.2 08/30/2021 – Original MSBML Application (000110-118)
 - 1.3 12/21/2021 – Withdrawal of Application (000119-122)
 - 1.4 02/04/2022 – MSBML Application/Responses (000123-165)
 - 1.5 07/08/2022 – MSBML denial letter (000166-170)
 - 1.6 07/14/2016 – CO Stipulation and Final Agency Order (000171-182)
 - 1.7 09/19/2016 – CPEP’s Assessment Report (under seal) (000183-208)¹
 - 1.8 11/07/2016 – CA Accusation (000209-227)
11/12/2019 – CA Accusation and Petition to Revoke Probation (000228-240)
 - 1.9 08/13/2021 – CPHP’s letter stating non-compliance with Monitoring Agreement (000241-247)
 - 1.10 San Diego County Police Reports (under seal) (000248-266)
 - 1.11 09/02/2021 – CA Medical Board Letter – License Revoked (B 000267)
Order Denying Petition for Reconsideration (B – LO 000268)
Orders Granting Stay (B – LO 000269-270)

Respondent introduced the following Exhibits without objection:

Respondent Exhibit 1: Jeffrey Douglas Lovin, M.D. Curriculum Vitae

Respondent Exhibit 2: July 20, 2022, correspondence from Delta Health System

Respondent Exhibit 3: July 13, 2022, correspondence from Dr. Alan A. Abrams

Respondent Exhibit 4: April 29, 2020, evaluation report by Dr. Alan A. Abrams

Respondent Exhibit 5: December 6, 2020, evaluation by Craig R. Lareau, J.D., Ph.D.

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

¹ Exhibits 1.7 and 1.10 were introduced under seal. The documents were available to the Board Members throughout the proceedings and deliberation.

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 State Board of 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 pursuant to title 73, Chapter 25 of the Mississippi Code of 1972 as amended.
2. On about August 30, 2021, Applicant submitted or caused to be submitted his initial application (#LOVI-JZ16TD) for a license to practice medicine in the state of Mississippi. Applicant is a Diagnostic Radiologist by training, and, based on representations provided in his application was practicing in California through August 2019.
3. Applicant answered (“yes”) to the following questions on his initial licensure application:

To your knowledge, have you ever been or are you now, the subject of an investigation or disciplinary proceeding by any licensing Board/Agency as of the date of this application?

Have you ever been arrested? (You should answer Yes and explain even if you believe the arrest was sealed, expunged, dropped or otherwise nullified)
4. In his initial application, Applicant failed to answer questions fully and truthfully regarding licensure actions in other jurisdictions, failed to disclose certain malpractice actions, and failed to disclose certain arrests. Applicant subsequently withdrew this application, testifying that prior counsel for the Board told him since he made “mistakes withdraw the application and do over.”
5. On or about February 4, 2022, Applicant submitted or caused to be submitted a second application (#LOVI-GZFAG0) for a license to practice medicine in the state of Mississippi.
6. Applicant answered (“yes”) to the following questions on his second 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 or revocation?

Have you ever been denied a certificate of qualification or license to practice medicine in any state or has your application for certificate of qualification or license to practice medicine been withdrawn under threat of denial?

Have you ever had a malpractice claim made or suit filed against you pertaining to any aspect of your medical practice, regardless of whether or not such a claim was dismissed, never pursued, settled, resulted in a favorable or adverse judgment, or is not pending?

Have you ever been arrested? (You should answer Yes and explain even if you believe the arrest was sealed, expunged, dropped or otherwise nullified)

Have you ever applied for or been denied a Mississippi medical license?

7. Applicant stated yes to the question regarding investigation or disciplinary proceedings by a licensing authority on the first application. However, he answered “NO” on the application submitted February 4, 2022.
8. A background investigation revealed that Applicant has been the subject of several domestic violence-related restraining and protective orders since 2009 and has been arrested numerous times for violating those court orders. Applicant’s conduct appears to have continued until at least September 2021.
9. There were **several state licensure actions** presented to the Board. Applicant was previously licensed in numerous states. However, based upon the arrests and his failure to properly report the information to the states where he was licensed, those states took various adverse actions against his license and Applicant ultimately retired his license in Colorado.
10. On July 14, 2016, the Colorado Medical Board entered into a **Stipulation and Final Agency Order** (Colorado Order) with Applicant. The Colorado Order provides that although Applicant had been arrested numerous times, he failed to report this to the Colorado Board. The Colorado Order also questioned Applicant’s competency to practice medicine. The Colorado Order reflects he was released from his position at Sterling Regional Medical Center where he was practicing as a locum tenens Radiologist.
11. Additionally, Applicant underwent review by the Colorado Physician Health Program (CPHP). It was determined that Applicant has “a physical or mental illness or condition that rendered him unable to perform a medical service with reasonable skill and with safety to patients in the absence of treatment

monitoring.” The Colorado Order placed Applicant on probation for a period of five (5) years, setting forth certain terms and conditions for his continued practice in the state.

12. Among those restrictions were hourly practice restrictions, treatment monitoring, and requirements to produce documentation from the Center for Personalized Education for Professionals (CPEP)—a facility located in Colorado which performs professional competency evaluations, in order to make modifications to any conditions set forth in the Colorado Consent Order.
13. Applicant submitted a copy of the CPEP Assessment Report which stated in part, “[Applicant] demonstrated knowledge that was generally adequate with the exception of significant weaknesses noted in the area of breast imaging, including mammography and breast ultrasound ...[Applicant’s] communication skills were mixed . . .[Applicant], at the time of submitting his application did not submit any health information for review other than to confirm that he was being monitored by the CPHP for an undisclosed condition as per requirements in the Colorado Board’s Stipulation and Final Agency Order. Applicant’s cognitive function screen results were below expectations.
14. Applicant produced several documents from CPHP which, in aggregate, stated that he was found to be safe to practice from a monitoring and treatment standpoint. However, a letter signed by Ms. Paula Martinez, Program Director for CPHP, dated August 13, 2021, reflected that Applicant was not in compliance with the most recent monitoring agreement, and concluded by stating under those circumstances, “we cannot opine on [Applicant’s] safety to practice.” On August 25, 2021, the Colorado Board issued an Order of **Summary Suspension**, citing Applicant’s non-compliance with CPHP and therefore, non-compliance with the Colorado Order. On August 25, 2021, Applicant relinquished/retired his Colorado license.
15. On or about November 12, 2019, the Medical Board of California filed an action against Applicant styled **Accusation and Petition to Revoke Probation**. On November 18, 2020, the Medical Board of California issued an order revoking Applicant’s license to practice medicine in California. As reflected in the record of the proceedings, the California decision revoking Applicant’s license, is thoroughly discussed in a Proposed Decision dated September 21, 2020, that was written by Administrative Law Judge (ALJ) Debra D. Nye-Perkins. The Summary Section of the Proposed Decision noted two causes for discipline cited by the California Board: a) mental or physical impairment, and 2) unprofessional conduct due to Applicant failing to comply with the terms

of his probation. ALJ Perkins' Order related that the California Medical Board, due to differing expert opinions presented, failed to prove that Applicant was impaired due to mental illness and therefore unable to practice medicine safely. However, the ALJ found that the Board established Applicant had violated several terms of his California licensure probation.

16. In the Accusation and Petition to Revoke Probation, the California Board referenced that Applicant was served with a Cease Practice Order on May 28, 2019, prohibiting him from practicing medicine. However, despite the Cease Practice Order, Applicant continued to practice at F & M Radiology, a fact and location undisclosed to the California Board.
17. During the hearing Applicant submitted his vitae which reflected, among other information, his education, awards, articles, and military service which he extensively testified about. Applicant testified that while at one time he held numerous licenses, at the present time, he did not hold a current medical license in any jurisdiction. Applicant also submitted two letters relating to his medical evaluations for the Board's consideration.
18. When questioned about his Orders reflecting adverse licensure action in other States, Applicant expressed that he was remorseful and that when he was in violation of his Colorado Order it was due to "advice of his [prior] counsel."² When questioned regarding the lack of accurate information on his applications submitted, he testified that someone else assisted him and that questions were "inadvertently" answered incorrectly; that he did not intend to misrepresent anything.
19. Applicant further testified that in hindsight retiring his license in Colorado was a mistake and stated that he did not have sufficient money to fly back and forth from California (where he resides) to Colorado. Applicant expressed that if given a license in Mississippi he had been offered a position at Delta Health System, the Medical Center in Greenville, Mississippi as an exclusive provider of Radiological Services. He also expressed that he would be willing to do whatever the Board required in order for him to receive a Mississippi License.

CONCLUSIONS OF LAW

1. The Board has jurisdiction in this matter pursuant to sections 73-25-29 and 73-25-83 (a) of the Mississippi Code. of 1972, as amended. Venue is likewise

² Applicant's Mississippi counsel, Douglas Mercier, has not represented Applicant in connection with licensure proceedings in any other states.

properly placed before the Board to hear this matter in Hinds County, Mississippi.

2. The 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 a medical license and prescribe conditions under which persons may practice in order to protect the public health, safety and welfare.
4. Based on the clear and convincing evidence and testimony presented, Applicant is found guilty of **Count I** of the Affidavit, i.e., unprofessional conduct due to use of false, fraudulent or forged statement or document, or the use of any 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).
5. Based on the clear and convincing evidence and testimony presented, Applicant is found guilty of **Count II** of the Affidavit, i.e., is guilty of unprofessional conduct, including any dishonorable or unethical conduct likely to deceive, defraud or harm the public, all in violation of Miss. Code Ann. § 73-25-83(a).
6. Based on the clear and convincing evidence and testimony presented, Applicant is found guilty of **Count III** due to the revocation, suspension or other restriction imposed on his license, permit or certificate issued by a licensing authority of another state or jurisdiction, specifically the State of California, all in violation of Miss. Code Ann. § 73-25-29(9).
7. Based on the clear and convincing evidence and testimony presented, Applicant is found guilty of **Count IV** the surrender of a license or authorization to practice medicine in another state or jurisdiction, specifically the State of Colorado, while under investigation for acts or conduct similar to acts or conduct which would constitute grounds for disciplinary action in Mississippi, all in violation of Miss. Code Ann. § 73-25-29(10).
8. Based on the clear and convincing evidence and testimony presented, Applicant is found guilty of **Count V**, unprofessional conduct, including any dishonorable or unethical conduct likely to deceive, defraud or harm the public, all in violation of Miss. Code Ann. § 73-25-29 (8)(d).

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

ORDER

IT IS THEREFORE ORDERED THAT Applicant's petition for medical licensure in the State of Mississippi is denied.

IT IS FURTHER ORDERED that this decision and opinion is a final order of the Board and is conclusive evidence of the matters described herein.

IT IS FURTHER ORDERED that the Determination and Order shall be public record. It may be shared with other licensing boards (in and out of state), 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 21st day of July, 2022.

**MISSISSIPPI STATE BOARD OF
LICENSURE**

BY: 
**WILLIAM D. MCCLENDON, JR., M.D.,
PRESIDENT**

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

**IN THE MATTER OF THE MEDICAL LICENSE OF:
OSCAR DOMINGO ALMEIDA, JR., M.D. (18856)**

DETERMINATION AND ORDER

The above-titled matter came before the Mississippi State Board of Medical Licensure (“Board”) in Jackson, Hinds County Mississippi, on July 21, 2022, pursuant to the Petition of Oscar Domingo Almeida, Jr., M.D. (“Licensee”) seeking issuance of a license to practice medicine in the State of Mississippi.

Complaint Counsel for the Board was Honorable Paul E. Barnes, Esq., who presented the charges as set forth in the Affidavit as filed herein. Licensee, having been served with the Summons and being fully informed of his rights to a formal hearing before the Board, was present. Leyser Q. Hayes, Special Assistant Attorney General, served as Administrative Hearing Officer, presided at the hearing, and was directed to prepare the Board’s written decision in accordance with their deliberations. The matter was called to hearing without objection by either party.

Licensee was not accompanied by counsel. Through questioning, the Hearing Officer confirmed that Licensee was making a knowing and voluntary decision to waive his right to counsel and had chosen to represent himself in this matter *pro se*.

Board members present for the proceedings were William D. McClendon, Jr., M.D, President; Michelle Y. Owens, M.D.; Ken Lippincott, M.D; Renia R. Dotson, M.D.; Roderick Givens, M.D.; Thomas E. Joiner, M.D.; Kirk L. Kinard, D.O.; and William E. Loper, III, M.D. Consumer members present were Koomarie “Shoba” Gaymes and Wesley Breland.

Complaint Counsel introduced, without objection, a composite exhibit as Exhibit “2” which included the following Bates numbered documents:

- 2.1 06/15/2021 – MSBML Application (B-AL000001-AL000005)
- 2.2 05/19/2022 - MSBML Order of Continuance (B-AL000006)

- 2.3 06/20/2022 – MSBML Summons/Amended Affidavit w/exhibit (B-AL000007-AL000038)
- 2.4 05/04/2022 – Almeida’s response to multiple accusations (B-AL000039-AL000106) (pp. 55-58, 67-68 redacted)¹ (Exhibit 2.4 offered for identification only).
- 2.5 12/09/2021 – MSBML Original Summons/Affidavit (B-AL000107-AL000117)
- 2.6 11/22/2021 – AL Order Temporarily Suspending License and Setting Hearing (B-AL000108-AL000140)
- 2.7 10/31/2016 – AL Practice Contract Agreement (B-AL000141-AL000146)
- 2.8 04/20/2022 – AL Findings of Fact and Conclusions of Law/Response (B-AL000147-AL000172) (pp. 170-172 redacted)
- 2.9 03/17/2005 – MSBML Determination Order (B-AL000173-AL000178)
- 2.10 12/01/2021 – Almeida Letter to Executive Director (B-AL000179-AL000195) (pp. 181-187, 190-192 redacted)

Complaint Counsel explained that Exhibit 2.4 consisted of documents sent to the Board by Licensee, and was being offered for identification only. Complaint Counsel objected to the admission of Exhibit 2.4. The basis of the objection was that Licensee was attempting to relitigate the disciplinary proceedings that had already been concluded in Alabama, that the materials had previously been submitted to and considered by the Alabama Commission in its own proceedings, and therefore the documents were not relevant to any issue properly before the Board. Complaint Counsel also objected to a PowerPoint Presentation offered by Dr. Almeida containing 55 slides, which consisted of copies or excerpts from documents included in Exhibit 2.4.

The Hearing Officer sustained the objections and held that relitigation of the Alabama proceedings was improper and would not be permitted. Therefore, the Hearing Officer held the materials objected to were not relevant to the charges against Licensee and would not be admitted. The Hearing Officer permitted Licensee to make a proffer of his PowerPoint presentation for inclusion in the record.

¹ Portions of Exhibits 2.4, 2.8, and 2.10 were redacted to protect confidential patient information regarding Licensee. Unredacted copies of Exhibits 2.8 and 2.10 were introduced under seal, and the unredacted documents were available to the Board Members throughout the proceedings and deliberations. Exhibit 2.4 consisted of documents sent to the Board by Licensee, and was submitted by Complaint Counsel for identification only.

Respondent introduced, without objection, Respondent Exhibit 1: June 12, 2017, Alabama Voluntary Agreement.

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 State Board of 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 pursuant to Title 73, Chapter 25 of the Mississippi Code of 1972 as amended.
2. Sections 73-25-29, 73-25-83 and 73-25-87 of the Mississippi Code of 1972, as amended, provide that the Board may revoke or suspend a license or take any other actions as deemed necessary if a licensee has violated any provisions therein.
3. All parties were properly noticed of the matter now pending before the Board.
4. Oscar Domingo Almeida, Jr., M.D. ("Licensee"), currently holds a suspended license, Mississippi Medical License Number 18856. Said license was valid until June 30, 2022. Although his license has expired, absent Board action Licensee would retain an inchoate right of renewal.
5. Licensee lists his primary practice location as Urgent Medcare –46 Shields Road, Huntsville, AL 35811. Licensee lists his specialty as obstetrics and Gynecology.
6. On November 22, 2021, the Medical Licensure Commission of Alabama (MLCA) determined that protection of Licensee's patients and the public required the immediate suspension of his Alabama medical license. The MLCA issued an *Order Temporarily suspending License and Setting Hearing*, ordering that Licensee "immediately CEASE and DESIST from the practice of medicine in the State of Alabama until such time as the Administrative Complaint . . . shall be heard by the Commission and a decision rendered thereon." The Administrative Complaint against Licensee was set for hearing on March 22, 2022.

7. Some ten days after Licensee had been ordered to cease and desist practicing medicine in Alabama on December 2, 2021, the Board received, via Fed EX, a letter from Licensee informing the Board of the action taken by the MLCA, providing certain documents regarding the Alabama action, and requesting permission to practice in Mississippi.
8. On December 9, 2021, the evidence in the Board's possession, including the MLCA's determination on November 22, 2021, resulted in the immediate temporary suspension of Licensee's Mississippi medical license pending hearing, in accordance with Miss. Code Ann. § 73-25-89. The hearing was originally set for December 16, 2021, within the fifteen day period prescribed by statute. The hearing was subsequently continued on multiple occasions to permit the underlying Alabama disciplinary proceedings to be resolved.
9. Licensee has a history of discipline for professional sexual misconduct. In 2002, the Alabama Commission revoked his Alabama medical license for professional sexual misconduct, and the revocation was upheld by the Alabama Supreme Court on September 3, 2004. Nevertheless, on March 17, 2005, this Board issued Licensee an unrestricted Mississippi medical license after a Show Cause Hearing, based on testimony that Licensee had not actually engaged in sexual intercourse with his patients. Alabama subsequently reinstated Licensee's Alabama medical license in 2007.
10. On June 27, 2016, this Board received a letter from Licensee, explaining that his hospital privileges at the University of South Alabama Hospital in Mobile, AL had been summarily suspended. Said suspension was reportedly due to boundary violations, a quality assurance review, and violation of hospital policy. This incident ultimately resulted in Licensee executing a non-public, non-disciplinary Practice Contract Agreement with this Board on October 25, 2016. The non-public Mississippi Practice Contract Agreement included numerous terms and conditions on Licensee's return to medical practice, including a requirement that Licensee obtain permission from the Board before he could return to practice in Mississippi. Based on the same underlying events at the University of South Alabama, Licensee also entered into a Voluntary Agreement with the Alabama Board of Medical Examiners on June 12, 2017, that also placed similar terms and conditions on his return to practice in that state.
11. Concerning the aforementioned 2021 suspension of Licensee's Alabama medical license and charges presented, the MLCA conducted hearings on March 22 and April 7, 2022. On April 20, 2022, the MLCA issued a detailed

written order and found Licensee guilty of violating his existing 2017 Voluntary Agreement with the Alabama Board of Medical Examiners. The Alabama Voluntary Agreement required Licensee to use a chaperone for “all examinations of female patients,” even those that did not involve “sensitive” examinations.² The MLCA found Licensee’s Alabama medical license was revoked due to his violation of this provision in the Order, but the revocation was stayed.

12. The April 20, 2022 MLCA Order placed Licensee’s Alabama medical license on probation for an indefinite term subject to the following conditions:

- a. Licensee is prohibited from practicing medicine in Alabama as a solo practitioner.
- b. Licensee shall practice medicine only pursuant to a practice plan that has been approved in advance by MLCA.
- c. Licensee shall at all times have a practice monitor, who shall be subject to approval by the MLCA.
- d. Licensee is prohibited from conducting any examination or treatment of any female patient unless a chaperone is physically present in the same room with the patient and Licensee at all times with continuous, direct visual and aural observation of all activities. All chaperones shall not be employed by Licensee, and they must complete chaperone training.
- e. Licensee shall enter into a lifetime contract with the Alabama Physicians’ Health Program.
- f. Licensee shall submit to a polygraph examination no less frequently than quarterly.
- g. Licensee shall provide every employer an exact, complete, unmodified, and legible copy of the MLCA Order’s conditions.
- h. Licensee shall, within six months of the MLCA Order, submit to a multidisciplinary assessment to be conducted by Acumen Assessments in Lawrence, Kansas. Within 30 days (October 2022) of the date of the MLCA Order, Licensee shall have made an appointment with Acumen.

13. In the documents sent to the Executive Director of this Board in December, 2021, Licensee submitted a letter dated March 15, 2021, to Rebecca A. Daniels, Investigator for the Alabama Board. The letter was a response to, “Formal Investigation Case #2021-017,” regarding Licensee’s alleged Unprofessional Conduct/Physician Sexual Misconduct.

² Likewise, Licensee’s 2016 Mississippi Contract Practice Agreement required Licensee to “[u]se a chaperone for *all* physical examinations of female patients.” (emphasis added).

14. On June 15, 2021, Licensee submitted his application for Mississippi licensure renewal to this Board. Despite his communications with the Alabama Board on March 15, 2021 concerning the new Alabama investigation into charges of physician sexual misconduct, Licensee falsely answered “NO” to the following question on his application for renewal: “Since your last renewal to the present time, have you been the subject of any disciplinary action or investigation by any US or foreign licensing authority, hospital, institution, society, or other government agency?”
15. Licensee testified that the Board was handicapped and was presented with one side of the story because he was not allowed to re-litigate the issue involving the allegations surrounding sexual misconduct in Alabama, including the findings, conclusions, and results of the Alabama disciplinary proceedings. According to Licensee, since the MLCA did not specifically find that he committed sexual impropriety, he should not be restricted in his practice of medicine.
16. Licensee asked the Board to look at the totality of his record, and alleged that in over 25 years he has only had one sexual allegation raised by a patient which he was found not guilty of.
17. Licensee testified that he completed his renewal application in haste and that as a result his “NO” response to the question relating to the disciplinary action or investigation on his renewal application was an honest mistake.

CONCLUSIONS OF LAW

1. The Board has jurisdiction in this matter pursuant to sections 73-25-29, and 73-25-83 (a), Mississippi Code Ann. of 1972, as amended. Venue is likewise properly placed before the Board to hear this matter in Hinds County, Mississippi.
2. The 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 a medical license and prescribe conditions under which persons may practice in order to protect the public health safety and welfare.
4. Based on the clear and convincing evidence and testimony presented, Applicant is found guilty of **Count I** of the Affidavit, i.e., 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, a certified copy of the disciplinary order or action taken by the other state or jurisdiction being prima facie evidence thereof, notwithstanding the pendency of any appeal, all in violation of Miss. Code Ann. § 73-25-29(9).

5. Based on the clear and convincing evidence and testimony presented, Applicant is found guilty of **Count II** of the Affidavit, i.e., unprofessional conduct, which includes, but is not limited to, being guilty of any dishonorable or unethical conduct likely to deceive, defraud or harm the public, all in violation of Miss. Code Ann. § 73-25-29(8)(d).
6. Based on the clear and convincing evidence and testimony presented, Applicant is found guilty of **Count III** of the Affidavit, i.e., unprofessional conduct, which includes, but is not limited to the use of any false, fraudulent or forged statement or document, or the use of any 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, all in violation of Miss. Code Ann. § 73-25-29(8)(f).
7. Based on the clear and convincing evidence and testimony presented, Applicant is found guilty of **Count IV**, i.e., unprofessional conduct, which includes, but is not limited to, being guilty of any dishonorable or unethical conduct likely to deceive defraud or harm the public, all in violation of Miss. Code Ann. § 73-25-29(8)(d).

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

ORDER

IT IS THEREFORE ORDERED that Mississippi Medical License No. 18856, issued to Oscar Domingo Almeida, Jr., M.D., is hereby suspended indefinitely, but the suspension is stayed. Licensee is placed on probation subject to the same terms and conditions of probation as decreed by the Medical Licensure Commission of Alabama in its April 20, 2022 Order. Any questions may be directed to the Executive Director.

IT IS **FURTHER ORDERED** that Licensee shall reimburse the Board for all costs incurred in relation to the pending matter pursuant to Miss. Code Ann., Section 73-25-30, as amended. Licensee shall be advised of the total assessment, not to exceed \$10,000, by written notification, and shall tender to the Board a certified check or money order within forty (40) days after the date the assessment is mailed to Licensee's current mailing address.

IT IS **FURTHER ORDERED** that this decision and opinion is a final order of the Board and is conclusive evidence of the matters described herein.

IT IS **FURTHER ORDERED** that the Determination and Order 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 21st day of July, 2022.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**

BY: 
WILLIAM D. MCCLENDON, JR., M.D.,
PRESIDENT