

BOARD MINUTES
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
June 23 and 24, 2022, 8:00 am

A Specially Called Board meeting of the Mississippi State Board of Medical Licensure was held on Thursday June 23, and Friday 24, 2022, in Hinds County, Jackson, Mississippi.

THE FOLLOWING MEMBERS WERE PRESENT:

David W. McClendon, Jr., M.D., Ocean Springs, President
C. Kenneth Lippincott, M.D., Tupelo, Secretary
Charles D. Miles, M.D., West Point
H. Allen Gersh, M.D., Hattiesburg
Thomas Joiner, M.D., Jackson (via zoom)
Daniel Edney, M.D., Vicksburg

ALSO PRESENT:

Paul Barnes, Board Attorney
Stan T. Ingram, Complaint Counsel for the Board
Alexis Morris, 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
Tammi Fulghum, Court Reporter, Brown Court Reporting, Inc.

NOT PRESENT:

Michelle Y. Owens, M.D., Jackson, Vice President
Kirk L. Kinard, D.O., Oxford
Roderick Givens, M.D., Natchez
Shoba Gaymes, Jackson, Consumer Member
Major General (Ret.) Erik Hearon, Jackson, Consumer Member
Wesley Breland, Hattiesburg, Consumer Member

The meeting was called to order at 8:00 am, by Dr. McClendon, President. The invocation was given by Dr. Miles and the pledge was led by Dr. Joiner.

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

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

Mr. Ingram briefly gives an opening statement regarding the facts and charges of this matter.

Andrew Coffman gives an opening statement regarding this case and introduced co-counsel Jeffrey Moore. Mr. Coffman played a video of an advertisement featuring Lance Bourgeois, a chiropractor related to Dr. Ozon's practice.

Mr. Barnes gives an opening statement and placed documents into the record.

Robert Ozon, M.D., Carter Payne Milner, M.D., Agent Harry Gunter and Sean Morrison, PhD are sworn in by the court reporter.

Dr. Ozon was called to the witness stand and is questioned by Mr. Barnes. Dr. Ozon briefly summarized his education and training. Mr. Barnes continued with questions regarding Dr. Ozon's practice with NexGen using regenerative medicine therapies, including stem cell and exosome treatments.

BOARD RECESSED AT 10 AM, RECONVENED AT 10:30 AM

Dr. Ozon continued with questions by Mr. Barnes. Mr. Barnes plays a video of Mr. Tabor and questioned Dr. Ozon regarding NexGen regenerative medicine advertising.

BOARD RECESSED FOR LUNCH AT 11:50 AM, RECONVENED AT 12:30 PM

Dr. Ozon continued on the witness stand with questions by Mr. Barnes.

Dr. Ozon is questioned by Mr. Moore. Mr. Moore plays a video of a patient testimonial.

BOARD RECESSED AT 2:14 PM, RECOVERED AT 2:23 PM

Dr. Ozon continued on the witness stand questioned by Mr. Moore.

Mr. Barnes questioned Dr. Ozon on redirect.

Dr. Ozon answered questions from the Board.

Mr. Moore questioned Dr. Ozon.

Dr. Ozon exited the witness stand.

BOARD RECESSED AT 4:08 PM, RECOVERED AT 4:24 PM

Sean Morrison, PhD., is called to the stand. Mr. Barnes questioned Dr. Morrison regarding his education and training. Dr. Morrison answered questions regarding his stem cell research. Mr. Barnes questioned Dr. Morrison regarding his review of Dr. Ozon's practice

Board Meeting Minutes

June 23 & 24, 2022

Page 3

related to stem cell treatment. Dr. Morrison answered questions regarding the FDA position on various regenerative medicine treatments and the lack of controlled clinical trials demonstrating efficacy of any of the exosome or stem cell treatments for any condition treated or advertised by Dr. Ozon.

BOARD RECESSED AT 5:32 PM, RECOVERED AT 5:43 PM

Dr. Morrison is questioned by Mr. Coffman.

Dr. Morrison exited the witness stand.

ADJOURNMENT

Board adjourned on Thursday, June 23, 2022, at 6:08 pm.

Board Meeting Minutes

June 23 & 24, 2022

Page 4

BOARD MINUTES

MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

Thursday June 24, 2022, 8:00 am

THE FOLLOWING MEMBERS WERE PRESENT:

David W. McClendon, Jr., M.D., Ocean Springs, President
C. Kenneth Lippincott, M.D., Tupelo, Secretary
Charles D. Miles, M.D., West Point
H. Allen Gersh, M.D., Hattiesburg
Thomas Joiner, M.D., Jackson (via zoom)
Daniel Edney, M.D., Vicksburg

ALSO PRESENT:

Paul Barnes, Board Attorney
Stan T. Ingram, Complaint Counsel for the Board
Alexis Morris, 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
Kelly Powell, Court Reporter, Brown Court Reporting, Inc.

NOT PRESENT:

Michelle Y. Owens, M.D., Jackson, Vice President
Kirk L. Kinard, D.O., Oxford
Roderick Givens, M.D., Natchez
Shoba Gaymes, Jackson, Consumer Member
Major General (Ret.) Erik Hearon, Jackson, Consumer Member
Wesley Breland, Hattiesburg, Consumer Member

The meeting was called to order at 8:00 am, by Dr. McClendon, President. Dr. McClendon introduced Alexis Morris, Special Assistant Attorney General as the Board's Hearing Officer.

**HEARING IN THE CASE ROBERT K. OZON, M.D., GULFPORT, MS
MISSISSIPPI MEDICAL LICENSE 17909
CONTINUED**

Board Meeting Minutes

June 23 & 24, 2022

Page 5

Mr. Barnes advised they will not call Agent Gunter or Carter Payne Milner, M.D. as witnesses as previously discussed and agreed upon with Dr. Ozon's counsel.

Mr. Coffman entered documents into the record.

Mr. Michael Hinkle is sworn in by the court reporter.

Mr. Hinkle is questioned by Mr. Coffman regarding Dr. Ozon's practice of stem cell treatment.

Mr. Ingram questioned Mr. Hinkle regarding Dr. Ozon's practice of stem cell treatment.

Mr. Coffman questioned Mr. Hinkle on redirect.

Mr. Hinkle answered questions by the Board

Mr. Hinkle exited the witness stand.

BOARD RECESSED AT 9:52 AM, RECOVERED AT 10:04 AM

Mr. Ben Stone is sworn in by the court reporter.

Mr. Stone is questioned by Mr. Morris, regarding his treatment by Dr. Ozon at NexGen.

Mr. Barnes questioned Mr. Stone regarding his treatment by Dr. Ozon at NexGen. Mr. Stone exited the witness stand.

BOARD RECESSED AT 10:29 AM, RECOVERED AT 10:48 AM

Mr. Barnes gave a closing statement.

Mr. Coffman gave a closing statement.

Mr. Barnes gave a rebuttal statement.

BOARD RECESSED AT 12:21 PM.

After the board members exited the room, the hearing officer entertained a motion for judgment as a matter of law from Dr. Ozon, presented by Mr. Coffman.

Mr. Barnes responded on behalf of the Board.

The Hearing Officer denied the motion as beyond the scope of her authority.

THE BOARD BRIEFLY RECOVERED AT 12:39 PM

A motion was made by Dr. Miles, seconded by Dr. Edney, and carried to close the meeting to consider whether to go into executive session.

Board Meeting Minutes

June 23 & 24, 2022

Page 6

After discussion, a motion was made by Dr. Joiner, seconded by Dr. Miles and carried that the Board enter into executive session to discuss and deliberate a matter related to alleged misconduct by Dr. Ozon and possible entry of an appealable order.

Upon a motion by Dr. Gersh, seconded by Dr. Miles and carried, the Board came out of Executive Session at which time Dr. McClendon asked Dr. Lippincott to report on the Board's decision. Dr. Lippincott reported that the Board has carefully considered the evidence and testimony regarding the charges for Dr. Ozon contained in the charging affidavit and finds that for Count I, Dr. Ozon was found not guilty, Count II, not guilty, Count III, guilty, Count IV guilty, Count V, not guilty, Count VI, not guilty, Count VII, guilty, Count VIII, guilty, Count IX, guilty, Count X, guilty, Count XI, guilty, Count XII, guilty, Count XIII, guilty, Count XIV, guilty, Count XV, guilty, Count XVI, guilty, Count XVII, not guilty, Count XVIII, not guilty, Count XIX, guilty, Count XX, guilty.

The Board decision is to suspend Dr. Ozon's license for an indefinite period with the possibility of a stay of the suspension upon successful completion of continuing medical education for boundaries, record keeping and ethics and upon successful completion of a multidisciplinary psychiatric evaluation. Upon completion of these requirements Dr. Ozon can return and seek reinstatement of his license. In addition, the Board's decision Dr. Ozon's license will be restricted from practicing regenerative medicine.

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

The official account of this proceeding was recorded by Tammi Fulghum and Kelly Powell Court Reporter, Brown Court Reporting, Inc.

ADJOURNMENT

There being no further business, the meeting is adjourned at 2:30 p.m.


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

Minutes taken and transcribed.

By Frances Carrillo

Staff Officer

June 24, 2022

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE LICENSE OF:

ROBERT KENT OZON, M.D.

DETERMINATION AND ORDER

THIS MATTER came on specially for hearing on June 23-24, 2022, before the Mississippi State Board of Medical Licensure (hereinafter “Board”), pursuant to a Summons and Affidavit issued to Robert Kent Ozon, M.D. (“Licensee”). Licensee currently holds Mississippi License Number 17909, and said number is current through June 30, 2022. Licensee is also a pharmacist who holds MS Pharmacy Board License T-09640, which expired on December 31, 2021.

Licensee was present and represented by Honorable Jeffrey Moore and Honorable Andrew Coffman. Complaint Counsel for the Board was Honorable Paul Barnes. Also present was Complaint Co-Counsel Honorable Stan T. Ingram. Sitting as legal advisor and hearing officer to the Board was Honorable Alexis E. Morris, Special Assistant Attorney General. Board members present for the proceedings were David McClendon, M.D, President; Ken Lippincott, M.D.; Daniel Edney, M.D.; Charles D. Miles, M.D.; Thomas Joyner, M.D. and Allen Gersh, M.D. Accordingly, a quorum was present throughout the hearing and deliberation in the matter.

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 and Conclusions of Law, and Order based on clear and convincing evidence:

FINDINGS OF FACT & CONCLUSIONS OF LAW

1. The Board is established under 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 under 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 licensee has violated any provisions therein.
3. All parties have been properly noticed of the matter now pending.
4. The Board has jurisdiction in the 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.
5. 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.
6. The Board is authorized to license and regulate persons who apply for or hold medical licenses and prescribe conditions under which persons may practice to protect the public health, safety and welfare.
7. In November 2013, the Board, with the consent of Licensee, signed a consent order and agreed to the following terms and conditions (Exhibit B-5):
 - a. Licensee was restricted from collaborating with any mid-level provider, including, but not limited to: A.P.R.N.s, C.R.N.A.s, and P.A.s. The restriction would remain in full force and effect for a minimum of one year. Upon the expiration of the one-year period, Licensee was to have the right, but not the obligation, to petition the Board for removal of the restriction.
 - b. Prior to petitioning the Board for removal of the restriction, Licensee was to complete a Category 1 AMA-approved course in the Prescribing of Controlled Substances and submit proof of successful completion to the Board.
 - c. Licensee was also required to reimburse the Board for all costs incurred in relation to the pending matter pursuant to Miss. Code Ann. § 73-25-30.
8. Licensee appeared before the Board again in 2015 and 2019 to request relief from those restrictions; however, the Board stated on those occasions that Licensee “lacked the basic understanding and insight needed to properly collaborate with mid-level providers” and denied Licensee’s requests. See Exhibit B-5.

9. In April 2021, a complaint was filed against Licensee concerning NexGen Healthcare of Gulfport's (NexGen) advertisements. It was discovered that Licensee was performing therapies using products not approved by the U.S. Food and Drug Administration ("FDA") and utilizing subjective patient testimonials in the advertisements.
10. Licensee's practice focused on Regenerative Medicine and the use of the product called BioMatrix 50. BioMatrix 50 was a stem cell product that contained full-term C-Section cord blood—which was obtained from a company named Comprehensive Biologics. BioMatrix 50 is no longer on the market.
11. The Board soon discovered that neither Comprehensive Biologics nor the BioMatrix product was on the FDA's Office of Tissues and Advanced Therapies list of Approved Products. Accordingly, those products were not FDA-approved for use in the ways prescribed by Licensee and NexGen.
12. On May 21, 2021, Licensee was interviewed by Board Investigator Harry Gunter and Board Attorney Stan Ingram. Licensee's attorney, Jeff Moore, was also present during the interview. On October 13, 2021, the Board charged Licensee with twenty (20) counts of alleged violations of Mississippi law and Board rules.
13. Title 30, Part 2635, Rule 13.3, entitled "Complementary and Alternative Therapies," states:

The Board is aware that a growing number of licensees and patients are both implementing and seeking complementary and alternative medicine in their health care. Further, the Board recognizes that innovative practices that could benefit patients and improve care should be given reasonable and responsible degrees of latitude.

In reviewing this subject, the Board is also aware of the fact that consumer fraud occurs across the country, and, unfortunately, not infrequently in the practice of medicine. If consumer protection means anything, it should protect people weakened by illness from the dangers attendant to unsound, invalidated, and/or otherwise unsubstantiated practices. Licensees should never agree to perform invalidated or unsound treatments or therapies.

The Board feels that licensees may incorporate alternative therapies if research results are promising, and only if the methods utilized are reasonably likely to benefit patients without undue risk. A full and frank discussion of the risks and benefits of all medical practices is expected and is in the patient's best interest.

Licensees should practice pursuant to informed and shared decision making when determining the utilization of complementary therapies. This style of process is conducive to openly weighing the risks and benefits of the therapies under consideration. While this process is ideal, the licensee is ultimately responsible for the decision-making process.

Where evidence is unavailable for a particular treatment in the form of clinical trials or case studies, licensees must only proceed with an appropriate rationale for the proposed treatment, and justification of its use, in relation to the patient's symptoms or condition. Novel, experimental, and unproven interventions should only be proposed when traditional or accepted proven treatment modalities have been exhausted. In such instances, there must still be a basis in theory or peer-acknowledged practice. The burden rests solely on the licensee in regard to the substantiation supporting the use of a particular therapy. Licensees should be prepared to support any claims made about benefits of treatments or devices with documented evidence, for example with studies published in peer-reviewed publications.

Licensees must refrain from charging excessive fees for treatments provided. Further, licensees should not recommend, provide, or charge for unnecessary medical services, nor should they make intentional misrepresentations to increase the level of payment they receive.

Count I & Count II

14. Licensee is charged with utilizing drugs which have not been approved by the FDA and not participating in any clinical trials or (study) (performing invalidated or unsound treatment), in violation of Title 30, Part 2635, Chapter 13, Rule 133 "Alternative Medicine Practices," and in violation of Miss. Code

Ann. § 73-25-29(13). Based on the evidence and testimony presented, the Board finds Licensee is not guilty of **Count I** of the Affidavit.

15. Licensee is charged with unprofessional conduct, which includes, but it not limited to being guilty of any dishonorable or unethical conduct likely to deceive, defraud, or harm the public, in violation of Miss. Code Ann. § 73-25-29(8)(d). Based on the evidence and testimony presented, the Board finds Licensee is not guilty of **Count II** of the Affidavit.

Count III & Count IV

16. Licensee is charged with utilizing false or misleading statements, subjective patient testimonials, treatment accolades, and misrepresenting his success as required in Title 30, Part 2635, Rule 13.3 Complementary and Alternative Therapies and Rule 12.3(1), (8), (9) of the Board's Administrative Code, all in violation of Miss. Code Ann., § 73-25-19(13).
17. Licensee is charged with unprofessional conduct, which includes, but it not limited to being guilty of any dishonorable or unethical conduct likely to deceive, defraud, or harm the public, in violation of Miss. Code Ann. § 73-25-29(8)(d).
18. At the hearing, Licensee testified that although he was not the owner of NexGen, he was solely responsible for the approval of all marketing content related to his practice of regenerative medicine at NexGen Gulfport, including not only website content, but also representations made in marketing videos by NexGen spokespersons, such as chiropractor Lawrence Bourgeois. The advertisements focused on "Regenerative Medicine," which includes Stem Cells, Exosomes, and Platelet (PRP) therapies.
19. In the signage, video, YouTube, television, and internet, Licensee advertised treatments for erectile dysfunction, hair loss, weight loss, osteoarthritis, cartilage damage, knee pain, back pain, and "bone on bone" injuries, but provided no data to substantiate the representations of clinical efficacy. Moreover, Licensee should have known about the FDA's published guidelines on the products that he was using. Licensee's advertisements also contained entirely subjective consumer testimonials; however, no data was produced supporting the results reported by the patients. See Exhibits B-7, B-8, B-21 (Composite), & B-34.
20. The "Frequently Asked Questions" section found on NexGen's website contained several misleading statements regarding treatments and FDA

approval of the products Licensee and NexGen advertised and used. See Exhibit B-9¹.

21. Licensee testified that he has an eighty percent (80%) success rate using regenerative medicine; however, no data was ever produced to substantiate the reported success rates. Licensee admitted that no studies had been performed to substantiate the success rates using the products that he used on his patients, nor had he compiled any data to do so. Licensee also admitted that he could not distinguish between subjective improvement reported by his patients that was attributable to his regenerative medicine treatments, versus improvement attributable solely to the placebo effect.
22. Licensee further testified that no clinical trials took place to support the subjective testimonials used in the online advertisements, nor had he compiled any data to do so.
23. Based on the evidence and testimony presented, the Board finds Licensee guilty of **Count III** of the Affidavit, that is, guilty of utilizing false or misleading statements, treatment accolades, and misrepresenting his success rates and training, as well as subjective patient testimonials.
24. Based on the evidence and testimony presented, the Board finds Licensee guilty of **Count IV** of the Affidavit, that is, guilty of unprofessional misconduct, which includes, but is not limited to, being guilty of any dishonorable or unethical conduct likely to deceive, defraud, or harm the public by virtue of utilizing false or misleading statements.

Count V & Count VI

25. Licensee is charged with charging excessive fees for treatments not FDA approved and have no efficacy studies to support their use, in violation of Title 30, Part 2635, Chapter 13, Rule 13.3 “Complementary and Alternative Therapies” and Miss. Code Ann. § 73-25-29(13). Based on the evidence and testimony presented, the Board finds Licensee is not guilty of **Count V** of the Affidavit.
26. Licensee is charged with unprofessional conduct, which includes, but it not limited to being guilty of any dishonorable or unethical conduct likely to deceive, defraud, or harm the public by virtue of charging excessive fees, in violation of Miss. Code Ann. § 73-25-29(8)(d). Based on the evidence and

¹ At the hearing, Licensee testified that after his interview with Investigator Harry Gunter and Board Attorney Stan Ingram, the website and several advertisements were changed or removed.

testimony presented, the Board finds Licensee is not guilty of **Count VI** of the Affidavit.

Count VII & Count VIII

27. Licensee is charged with utilizing false or misleading statements, subjective patient testimonials, treatment accolades, and misrepresenting his success rates and training, as prescribed in Title 30, Part 2635, Chapter 13, Rule 13.3 Complementary and Alternative Therapies, all in violation of Miss. Code Ann., §73-25-29(13).
28. Licensee is charged with unprofessional misconduct, which includes, but is not limited to, being guilty of any dishonorable or unethical conduct likely to deceive, defraud, or harm the public by virtue of using misleading or false statements, all in violation of Miss. Code Ann., 73-25-29(8)(d).
29. During the hearing, Licensee testified that he had only been administering Regenerative Medicine Procedures for approximately two (2) years—even though the website stated that he had “devoted his career to the latest research and treatment that regenerative medicine has to offer.” See Exhibit B-7.
30. Dr. Sean Morrison, Ph.D., testified as an expert during the hearing. Dr. Morrison completed his B.Sc. in biology and chemistry at Dalhousie University. He received a Ph.D. in immunology at Stanford University and completed a postdoctoral fellowship in neurobiology at Caltech. Dr. Morrison also received the Presidential Early Career Award for Scientists and Engineers for his work in stem-cell research. Dr. Morrison is an Investigator of the Howard Hughes Medical Institute and a Professor of Pediatrics at the University of Texas Southwestern Medical Center. He is also a member of the Food and Drug Administration (FDA) Cellular, Tissue, and Gene Therapies Advisory Committee. However, Dr. Morrison emphasized that he was testifying solely in his individual professional capacity, and was not testifying or commenting, on behalf of the FDA, or any of his other employers in this matter.
31. Dr. Morrison found that Licensee did not provide any compelling evidence that his patients would be expected to benefit from the regenerative medicine product he claimed to administer to them. Dr. Morrison further found that Licensee and NexGen made many misleading claims related to stem cells, exosomes, and regenerative medicine on their website and in their advertisements. See Exhibit B-37.

32. Dr. Morrison reviewed the two studies that Licensee submitted regarding the biological properties of certain products that he used and the use of umbilical cord-derived cells; however, Dr. Morrison found that the products used in those studies were different from the products that Licensee used—more specifically BioMatrix 50. See Exhibit B-37. Dr. Morrison testified that those studies focused on specific types of stem cells or other tissues, and that the results could not be extrapolated or generalized to support any claim of clinical efficacy for the regenerative therapies advertised and used by Licensee.

33. Despite misleading representations made by Dr. Ozon and NexGen Healthcare implying otherwise, none of the advertised products have been approved by the FDA for the treatment of any of the indications or conditions featured in the advertising.

34. Based on the evidence and testimony presented, the Board finds Licensee guilty of **Count VII** of the Affidavit, that is, guilty of utilizing false or misleading statements, subjective patient testimonials, treatment accolades, and misrepresenting his success rates and training.

35. Based on the evidence and testimony presented, the Board finds Licensee guilty of **Count VIII** of the Affidavit, that is, guilty of unprofessional misconduct, which includes, but is not limited to, being guilty of any dishonorable or unethical conduct likely to deceive, defraud, or harm the public by virtue of using misleading or false statements.

Count IX & Count X

36. Licensee is charged with advertising treatments for pain without first registering as a Pain Clinic, as required under Title 30, Part 2640, Chapter 1, Rule 1.2 Rules Pertaining to Prescribing, Administering and Dispensing of Medication, all in violation of Miss. Code Ann., § 73-25-29(13).

37. Licensee is charged with 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 by virtue of advertising his practice as a to provide pain management services, all in violation of Miss. Code Ann., § 73-25-29(8)(d).

38. Licensee testified that NexGen was never registered as a pain management clinic; however, Licensee admitted that some of NexGen's advertisements included statements regarding pain care. Title 30, Part 2640, Rule 1.2 defines

the definition of a Pain Practice and includes “any practice that advertises and/or holds itself out to provide pain management services.”

39. Based on the evidence and testimony presented, the Board finds Licensee guilty of **Count IX** of the Affidavit, that is, guilty of advertising treatments for pain without first registering as a Pain Clinic.
40. Based on the evidence and testimony presented, the Board finds Licensee guilty of **Count X** of the Affidavit, that is, guilty of 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 by virtue of advertising his practice to provide pain management services.

Count XI & Count XII

41. Licensee is charged with failing to maintain complete records, as required under Title 30, Part 2635, Chapter 13, Rule 13.7 Complementary and Alternative Therapies, all in violation of Miss. Code Ann., § 73-25-29(13).
42. Licensee is charged with 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 by virtue of his failure to maintain complete medical records, all in violation of Miss. Code Ann., § 73-25-29(8)(d).
43. Licensee was instructed to provide twelve (12) medical records to the Board for review. However, Licensee testified that he could only produce ten (10) of twelve (12) Patients records. See Exhibits B-24 -B-33.
44. Licensee testified that one of medical records did not exist, because the patient was a colleague, and he performed the service for the colleague as a professional courtesy. Licensee testified that he was unaware that he was to create a chart for the colleague. Finally, Licensee testified that one of the other patient records could simply not be found.
45. Based on the evidence and testimony presented, the Board finds Licensee guilty of **Count XI** of the Affidavit, that is, guilty of failing to maintain complete records.
46. Based on the evidence and testimony presented, the Board finds Licensee guilty of **Count XII** of the Affidavit, that is, guilty of 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 by virtue of his failure to maintain complete medical records.

Count XIII & Count XIV

47. Licensee is charged with failing to maintain complete medical records (diagnostic tests, including X-rays), as required under Title 30, Part 2635, Chapter 13, Rule 13.7 Complementary and Alternative Therapies, all in violation of Miss. Code Ann., § 73-25-29(13).
48. Licensee is charged with 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 by virtue of his failure to provide patients copies of their X-rays, all in violation of Miss. Code Ann., § 73-25-29(8)(d).
49. Out of the ten (10) patient charts obtained from Licensee's none contained the results of x-rays, CTs, MRIs or similar diagnostic tools. Licensee also testified that he did not provide copies of the "complimentary" x-rays to his patients; however, patients could purchase for \$50.00 per x-ray.
50. At the hearing, Licensee testified that he used the x-rays to determine if a patient was eligible for regenerative care and treatment; however, Licensee did not include the x-rays in the patient records that the Board requested to review.
51. Based on the evidence and testimony presented, the Board finds Licensee guilty of **Count XIII** of the Affidavit, that is, guilty of failing to maintain complete medical records (diagnostic tests, including X-rays).
52. Based on the evidence and testimony presented, the Board finds Licensee guilty of **Count XIV** of the Affidavit, that is, guilty of 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 by virtue of his failure to provide patients copies of their x-rays and maintain complete medical records.

Count XV & Count XVI

53. Licensee is charged with failing to maintain complete records or prior treatments and available options, as required under Title 30, Part 2635, Chapter 13, Rule 13.5 Complementary and Alternative Therapies, all in violation of Miss. Code Ann., § 73-25-29(13).
54. Licensee is charged with 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 by virtue of his failure to review patients' prior treatments, all in violation of Miss. Code Ann., § 73-25-29(8)(d).

55. Licensee testified that he did not review or require that patients provide documentation regarding previous medical treatment, lab work, or any other medical records from his patients. Licensee stated that he only reviewed previous health information if patients provided it. The Board found that without Licensee's access to the medical records of prior treatments, he could not adequately evaluate or treat patients, or develop an adequate treatment plan.
56. Based on the evidence and testimony presented, the Board finds Licensee guilty of **Count XV** of the Affidavit, that is, guilty of failing to maintain complete records or prior treatments and available options.
57. Based on the evidence and testimony presented, the Board finds Licensee guilty of **Count XVI** of the Affidavit, that is, guilty of 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 by virtue of his failure to review patients' prior treatments.

Count XVII and Count XVIII

58. Licensee is charged with failing to include all information necessary for an informed consent, in violation of Title 30, Part 2635, Chapter 13, Rule 13.4 "Complementary and Alternative Therapies," in violation of Miss. Code Ann. § 73-25-29(13).
59. Licensee is charged with 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 by virtue of his failure to review patients' prior treatments, all in violation of Miss. Code Ann., § 73-25-29(8)(d).
60. The Board reviewed Licensee's consent form and found that it was adequate and included all the necessary information for an informed consent. See Exhibit B-35. Based on the evidence and testimony presented, the Board finds Licensee not guilty of **Count XVII** of the Affidavit.
61. Based on the evidence and testimony presented, the Board finds Licensee not guilty of **Count XVIII** of the Affidavit, that is, not guilty of any dishonorable or

unethical conduct likely to deceive, defraud, or harm the public by virtue of his form for informed consent.

Count XIX & Count XX

62. Licensee is charged with failing to meet the basic standard of care when treating patients with complementary or alternative therapies, as required under Title 30, Part 2635, Chapter 13, Rule 13.3 Complementary and Alternative Therapies, all in violation of Miss. Code Ann., § 73-25-29(13).
63. Licensee is charged with 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 by virtue of his failure to meet the minimum basic standard of care, all in violation of Miss. Code Ann., § 73-25-29(8)(d).
64. Licensee's use of non-FDA approved therapies, with no evidence that the therapies were successful, coupled with inadequate medical records and charts, demonstrated Licensee's failure to meet the basic standard of care.
65. Dr. Morrison testified that no stem cell products have ever been approved by the FDA except for treatment of specific hematopoietic conditions (blood disorders) or indications. Dr. Morrison testified that no exosome products have ever been approved by the FDA for treatment of any indication or condition. Furthermore, Dr. Morrison found that none of the products advertised by Dr. Ozon, or NexGen Healthcare have been approved by the FDA for the treatment of any of the indications featured in their advertising.
66. Additionally, Dr. Morrison concluded that the claims made by Dr. Ozon and NexGen Healthcare regarding their use of exosomes and stem cells were not supported by compelling scientific evidence of clinical efficacy justifying such use.
67. Licensee testified that he had not conducted or participated in any clinical or scientific studies to evaluate the reliability, safety, or efficacy of the reversative medicines is used and offered. Dr. Morrison reviewed the medical records of Licensee's patients provided by the Board. Dr. Morrison stated that the medical records indicated that patients were injected with products that contained exosomes; however, there was no medical condition for which treatment with those exosomes had been proved to be effective in controlled clinical trials.

68. Licensee did not offer any expert medical testimony to rebut Dr. Morrison's opinions and testimony.
69. Based on the evidence and testimony presented, the Board finds Licensee guilty of **Count XIX** of the Affidavit, that is, guilty of failing to meet the basic standard of care when treating patients with complementary or alternative therapies.
70. Based on the evidence and testimony presented, the Board finds Licensee guilty of **Count XX** of the Affidavit, that is, guilty of 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 by virtue of his failure to meet the minimum basic standard of care.
71. Moreover, the Board ultimately finds that Licensee's failure to participate in any clinical studies or trials, lack of efficient and complete medical records, untruthful and deceitful advertisements led to Licensee's deviation from the standard of care owed to his patients with the use of regenerative medicine and alternative therapies.

ORDER

NOW THEREFORE, IT IS ORDERED that Medical Licensure No. 17909 issued to Robert Kent Ozon, M.D. is hereby suspended indefinitely, with the possibility of a stay of suspension pending completion of CMEs by Licensee in boundaries, recordkeeping, and Ethics. Licensee must also undergo a multidisciplinary psychiatric evaluation at an evaluation facility chosen by Licensee from a list of Board-approved facilities. Licensee has the right, but not the obligation to reappear before the Board to petition for stay of suspension after successful completion of the CMEs and psychiatric evaluation.

IT IS FURTHER ORDERED that in the event Licensee is subsequently authorized to return to practice, he shall be restricted from practicing Regenerative Medicine.

IT IS FURTHER ORDERED that Licensee shall reimburse Board for all costs incurred in relation to the pending matter pursuant to Miss. Code Ann. § 73-25-20. 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 US mail to Licensee's current mailing address.

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), 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.

IT IS FURTHER ORDERED that pursuant to Section 73-25-27, a copy of this Order shall be sent by registered mail or personally served upon Robert Kent Ozon, M.D.

SO ORDERED, this the 24th day of June 2022.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**

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