

**BOARD MINUTES
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
MAY 19, 2022**

The regularly scheduled meeting of the Mississippi State Board of Medical Licensure was held on Thursday May 19, 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
Charles D. Miles, M.D., West Point
Kirk L. Kinard, D.O., Oxford
Thomas Joiner, M.D., Jackson (via zoom)
Daniel Edney, M.D., Vicksburg
Roderick Givens, M.D., Natchez
Wesley Breland, Hattiesburg, Consumer Member
Shoba Gaymes, Jackson, Consumer Member

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

NOT PRESENT:

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

The meeting was called to order at 9:01 am, by Dr. McClendon, President. The invocation was given by Dr. Edney and the pledge was led by Dr. Kinard.

Dr. McClendon recognized Mr. Stan Ingram as Board Attorney for forty years. Dr. McClendon read and presented to Mr. Ingram a Resolution of Appreciation.

A copy of the Resolution of Appreciation is attached and incorporated by reference.

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Dr. McClendon recognized Dr. Miles, as a Board member for twelve years, serving as President, Vice President, Secretary, and Interim Executive Director throughout his tenure with the Board. Dr. McClendon read and presented to Dr. Miles a Resolution of Appreciation.

A copy of the Resolution of Appreciation is attached and incorporated by reference.

Dr. Cleveland, Executive Director, recognized Mr. Harry Gunter, as a Board Investigator for twenty-four years with the Board. Dr. Cleveland read and presented to Mr. Gunter a Resolution of Appreciation.

A copy of the Resolution of Appreciation is attached and incorporated by reference.

Dr. Cleveland also recognized Mr. Charles Ware, as a Board Investigator for twenty years with the Board. Dr. Cleveland read and presented to Mr. Ware a Resolution of Appreciation.

A copy of the Resolution of Appreciation is attached and incorporated by reference.

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

EXECUTIVE DIRECTOR REPORT

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

Review and Approval of Minutes of the Executive Committee Meeting dated March 23, 2022.

Upon review of the minutes of the Executive Committee Meeting dated March 23, 2022, Dr. Owens moved for approval of the minutes as submitted. Dr. Lippincott seconded the motion and it carried unanimously.

Review and Approval of Minutes of the Board Meeting dated March 23, 2022.

Upon review of the minutes of the Board Meeting dated March 23, 2022, Dr. Miles moved for approval of the minutes as submitted. Dr. Owens seconded the motion and it carried unanimously.

Report of May 18, 2022, Executive Committee Meeting

Dr. Lippincott reported on the matters discussed by the Executive Committee on May 18, 2022, and recommendations made.

Dr. McClendon requested that the Board go into executive session to discuss the Executive Committee appearance of Dr. Pham to discuss the recommendation to the Board.

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A motion was made by Dr. Miles, seconded by Dr. Kinard, and carried to enter into executive session. The Board came out of executive session and Dr. McClendon reported the Board will be voting on each of the Executive Committee's recommendations.

Dr. Lippincott reported the Executive Committee's recommendations individually and the Board will vote to accept or deny each recommendation.

Heather Reynolds, PA-C

The Executive Committee denied the request for an exception of the rule, The Practice of Physician Assistants, Rule 1.7.4.

Dr. Owens moved for approval of the Executive Committee's recommendation. Dr. Kinard seconded the motion and it carried unanimously.

Dr. David Ferrell

The Executive Committee denied the request for an exception of the rule, Part 2630, Collaboration with Nurse Practitioners, Rule 1.4, Extended Mileage.

Dr. Owens moved for approval of the Executive Committee's recommendation. Dr. Miles seconded the motion and it carried unanimously.

Dr. Meraj Siddiqui

The Executive Committee approved the request for an exception of the rule, Part 2630, Collaboration with Nurse Practitioners, Rule 1.4, Extended Mileage Collaboration and Board Review.

Dr. Givens moved for approval of the Executive Committee's recommendation. Dr. Miles seconded the motion and it carried unanimously.

Dr. Alexander Minney

The Executive Committee approved the request for an exception of the rule, Part 2630. Rule 1.2. A., 20/80 hour in-state physician practice requirement.

Dr. Kinard moved for approval of the Executive Committee's recommendation. Dr. Givens seconded the motion and it carried unanimously.

Dr. Veronica Sloatsky

The Executive Committee approved the request for an exception of the rule, Part 2630. Rule 1.2. A., 20/80 hour in-state physician practice requirement.

Dr. Givens moved for approval of the Executive Committee's recommendation. Dr. Owens seconded the motion. Dr. McClendon, Dr. Owens, Dr. Lippincott, Dr. Kinard, Dr. Givens voted

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yea, Dr. Joiner, Dr. Miles, and Dr. Edney voted nay; Therefore, the motion carried by a majority vote of 5-3.

Dr. Huong Pham

The Executive Committee recommendation to the Board was that Dr. Pham execute a Consent Order admitting incompetency in the practice of OB/GYN and complete the CPEP education plan and obtain a neuro-psychological evaluation.

Dr. Owens moved for approval of the Executive Committee's recommendation; all other members voted nay; motion died.

Dr. Miles moved to have a full evidentiary hearing at the July Board meeting. Dr. Kinard seconded the motion, majority carried.

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. Miles, Dr. Gersh, Dr. McClendon, Dr. Edney, Dr. Givens, Mr. Breland, Ms. Gaymes,

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

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

Dr. Lippincott advised the Mississippi Physician Health Program (MPHP) Board of Directors meeting with the Mississippi Medical Association in May. Currently MPHP has 158 participants. Dr. Lippincott thanked the MPHP Medical Director, Anthony Cloy, M.D., Associate Director, Kristin Powell and Chairman of the Physicians Health Committee, Scott Hambleton, M.D. Dr. Hambleton was recently elected as President of the Federation of State Physicians Health Programs.

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

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

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

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Part 2615 Physician Assistants, Rule 1.10 Continuing Education – final adopt.

A motion was made by Dr. Miles, seconded by Dr. Edney, and carried, of the Board's decision to final adopt the listed regulations.

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

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

Part 2640 Chapter 2 Cannabis Certification regulation – final adopt

A motion was made by Dr. Miles, seconded by Dr. Edney, and carried, of the Board's decision to final adopt the listed regulations.

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

HEARING IN THE CASE OF DOMINICK TRINCA, M.D., GREENVILLE, MS MISSISSIPPI MEDICAL LICENSE 14017

Mr. Barnes briefly summarized the facts and history of Dr. Trinca's compliance of the CPEP educational requirements and placed documents into the record. Dr. Trinca has requested to further advance in the CPEP educational program. Mr. Philip Chapman is present as Dr. Trinca's counsel.

Dr. Trinca was sworn in by the court reporter.

Dr. Trinca answered questions by Mr. Chapman regarding his progress with the CPEP educational program. Dr. Trinca answered questions from the Board.

Dr. Anthony Cloy, Medical Director of the Mississippi Physician Health Program is sworn in by the court reporter. Dr. Cloy reports the compliance of Dr. Trinca in the monitoring program and advocates for his advancement in the CPEP program.

A motion was made by Dr. Kinard, seconded by Dr. Owens, and carried that the Board go into executive session to consider this matter.

Upon a motion by Dr. Joiner, 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 voted unanimously to approve Dr. Trinca's request for educational advancement as prescribed by CPEP, with further advancement permissible upon approval of the Executive Director. Dr. Trinca is to appear before the Board upon completion of the CPEP educational program.

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

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

SHOW CAUSE HEARING IN THE CASE OF BHAVIK PATEL, D.O., JACKSON, MS APPLICANT

Mr. Barnes reported that Dr. Patel's application for a Mississippi medical license was denied by the Executive Director based on Dr. Patel having committed unprofessional conduct while a resident in training. Dr. Patel was arrested for solicitation of a prostitute under the age of 18. Dr. Patel was terminated from the residency program and the Texas Medical Board placed his license on temporary suspension. Dr. Patel is appealing the denial with a Show Cause Hearing. Dr. Patel is charged with having adverse action by a licensing entity, adverse action by his training program, and unprofessional conduct. Mr. Barnes placed documents into the record. Ms. Penny Lawson is present as Dr. Patel's counsel.

Ms. Penny Lawson addressed the Board. Ms. Lawson reported that Dr. Patel before this arrest was doing well in his residency program, that he was honest in disclosing this information and plan to place him on the stand to answer any questions the Board may have.

Dr. Patel is sworn in by the court reporter.

Dr. Patel answered questions by Ms. Lawson, Mr. Barnes and the Board.

A motion was made by Dr. Lippincott, seconded by Dr. Miles and carried that the Board enter into Executive Session to discuss a matter related to alleged misconduct by Dr. Patel and possible entry of an appealable order.

Upon a motion by Dr. Owens, 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 voted unanimously to uphold the denial for a Mississippi medical license. The Board's recommendation is that Dr. Patel undergo a board approved psycho-sexual evaluation and evaluation for competency to practice medicine by a board approved facility prior to reapplication for a medical license.

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

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

HEARING IN THE CASE OF DAVID ARI LAPIDES, M.D., FORT MYERS, FL MISSISSIPPI MEDICAL LICENSE 28450

Mr. Barnes advised a request was received from Dr Lapides for a continuance. Dr. Lapides pleaded guilty to a sexual offense in another state and is requesting to postpone this hearing until after his sentencing hearing.

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Upon a motion by Dr. Kinard, seconded by Dr. Miles and carried unanimously to grant the Continuance until the next regularly scheduled meeting of the Board.

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

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

SHOW CAUSE HEARING IN THE CASE OF ERIC THOMAS, M.D., HELENA, MT APPLICANT

Mr. Barnes advised a request was received from Dr Thomas for a continuance. He has obtained counsel and is asking for time to prepare for this hearing.

Upon a motion by Dr. Kinard, seconded by Dr. Owens and carried unanimously to grant the Continuance until the next regularly scheduled meeting of the Board.

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

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

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

Mr. Barnes is requesting a continuance in this matter to properly prepare for a hearing based on charged circumstances. Dr. Almeida had made multiple requests for a continuance. Mr. Barnes briefly summarized the history of action by the Alabama Medical Board based on physician sexual misconduct beginning in November 2021.

Upon a motion by Dr. Edney, seconded by Dr. Kinard and carried unanimously to grant the Continuance until the next regularly scheduled meeting of the Board.

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

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

THE BOARD RECESSED FOR LUNCH AT 12:25 AM, RECONVENED AT 1:15 PM

APPROVAL OF INVESTIGATIVE SUBPOENAS CASE NUMBER 2022-078, CASE NUMBER 2022-019, CASE NUMBER 2022-089, AND CASE NUMBER 2022-083 PURSUANT TO MISS. CODE § 73-25-27

A motion was made by Dr. Kinard, seconded by Dr. Owens, and carried that the Board enter executive session for the purpose of discussing whether to issue subpoenas regarding

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investigations of alleged misconduct and violations of the statutes and regulations governing the practice of medicine in Case number 2022-078, Case number 2022-019, Case number 2022-089, and Case number 2022-083.

Upon a motion by Dr. Owens, seconded by Dr. Miles 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 number 2022-078, Case number 2022-019, Case number 2022-089, and Case number 2022-083. 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.

SPECIALLY CALLED BOARD MEETING DATES FOR JUNE

A special disciplinary hearing in the Case of Robert Kent Ozon, M.D. is set for Thursday, June 23, 2022, and Friday, June 24, 2022.

ADJOURNMENT

There being no further business, the meeting is adjourned at 1:35 p.m.


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

Minutes taken and transcribed.

By Frances Carrillo

Staff Officer

May 19, 2022

Resolution of Appreciation

WHEREAS, Stan Ingram, faithfully and conscientiously served the Mississippi State Board of Medical Licensure as an Investigator for five years and Board Attorney for forty years ; and

WHEREAS, Mr. Ingram discharged his duties with firmness, dignity, and compassion, always striving to implement both the spirit and letter of the Mississippi Medical Practice Act, thereby working for the greater benefit of the Board and citizens of the State of Mississippi; and

WHEREAS, during his years of service Mr. Ingram continually and graciously gave his efforts, time, and abilities toward fulfilling his responsibilities for the Board, always respecting the rights of licensees, patients, and others, while serving to protect the public;

THEREFORE, BE IT RESOLVED, that the Mississippi State Board of Medical Licensure, on behalf of the Board and the people of the State of Mississippi, by means of this resolution, express to Mr. Ingram its gratitude and appreciation for his services during the years he devoted to the Board and the State of Mississippi; and

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of the Board and a copy be given to Mr. Ingram expressing to him the highest esteem of the Board.

DATED, this the **Nineteenth** day of **May, 2022**.

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

Michelle Y. Owens, M.D.
Vice President

C. Ken Lippincott, M.D.
Secretary

Charles D. Miles, M.D.
Board Member

Kirk L. Kinard, D.O.
Board Member

Allen Gersh, M.D.
Board Member

Daniel Edney, M.D.
Board Member

Thomas Joiner, M.D.
Board Member

Roderick Givens, M.D.
Board Member

Wesley Breland
Consumer Member

Shoba Gaymes
Consumer Member

Attest: Kenneth Cleveland, M.D.
Executive Director

Mike Lucius
Deputy Director

Resolution of Appreciation

WHEREAS, Charles Davis Miles, M.D., faithfully and conscientiously served the Mississippi State Board of Medical Licensure as a member for twelve years; and

WHEREAS, Dr. Miles served as President, Vice President, Secretary, and Interim Executive Director of the Mississippi State Board of Medical Licensure throughout his time with the Board; and

WHEREAS, Dr. Miles discharged his duties with firmness, dignity, and compassion, always striving to implement both the spirit and letter of the Mississippi Medical Practice Act, thereby working for the greater benefit of the Board and citizens of the State of Mississippi; and

WHEREAS, during his years of service Dr. Miles continually and graciously gave his efforts, time and abilities toward maintaining the highest standard of medical practice for which the State of Mississippi is noted always respecting the rights of licensees, patients and others, while performing his duties;

THEREFORE, BE IT RESOLVED, that the Mississippi State Board of Medical Licensure, on behalf of the Board and the people of the State of Mississippi, by means of this resolution, express to Dr. Miles its gratitude and appreciation for his services during the years he devoted to the Board and the State of Mississippi; and

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of the Board and a copy be given to Dr. Miles expressing to him the highest esteem of the Board.

DATED, this the **Nineteenth** day of **May**, **2022**.

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

Michelle Y. Owens, M.D.
Vice President

C. Ken Lippincott, M.D.
Secretary

Kirk L. Kinard, D.O.
Board Member

Allen Gersh, M.D.
Board Member

Daniel Edney, M.D.
Board Member

Thomas Joiner, M.D.
Board Member

Roderick Givens, M.D.
Board Member

Wesley Breland
Consumer Member

Shoba Gaymes
Consumer Member

Attest: Kenneth Cleveland, M.D.
Executive Director

Mike Lucius
Deputy Director

Resolution of Appreciation

WHEREAS, Harry Gunter, faithfully and conscientiously served the Mississippi State Board of Medical Licensure as Investigator for twenty-four years; and

WHEREAS, Mr. Gunter discharged his duties with firmness, dignity, and compassion, always striving to implement both the spirit and letter of the Mississippi Medical Practice Act, thereby working for the greater benefit of the Board and citizens of the State of Mississippi; and

WHEREAS, during his years of service Mr. Gunter continually and graciously gave his efforts, time, and abilities toward fulfilling his responsibilities as Investigator for the Board, always respecting the rights of licensees, patients, and others, while serving to protect the public;

THEREFORE, BE IT RESOLVED, that the Mississippi State Board of Medical Licensure, on behalf of the Board and the people of the State of Mississippi, by means of this resolution, express to Mr. Gunter its gratitude and appreciation for his services during the years he devoted to the Board and the State of Mississippi; and

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of the Board and a copy be given to Mr. Gunter expressing to him the highest esteem of the Board.

DATED, this the **Nineteenth** day of **May, 2022**.

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

Michelle Y. Owens, M.D.
Vice President

C. Ken Lippincott, M.D.
Secretary

Charles D. Miles, M.D.
Board Member

Kirk L. Kinard, D.O.
Board Member

Allen Gersh, M.D.
Board Member

Daniel Edney, M.D.
Board Member

Thomas Joiner, M.D.
Board Member

Roderick Givens, M.D.
Board Member

Wesley Breland
Consumer Member

Shoba Gaymes
Consumer Member

Attest: Kenneth Cleveland, M.D.
Executive Director

Mike Lucius
Deputy Director

Resolution of Appreciation

WHEREAS, Charles Ware, faithfully and conscientiously served the Mississippi State Board of Medical Licensure as Investigator for twenty years; and

WHEREAS, Mr. Ware discharged his duties with firmness, dignity and compassion, always striving to implement both the spirit and letter of the Mississippi Medical Practice Act, thereby working for the greater benefit of the Board and citizens of the State of Mississippi; and

WHEREAS, during his years of service Mr. Ware continually and graciously gave his efforts, time, and abilities toward fulfilling his responsibilities as Investigator for the Board, always respecting the rights of licensees, patients and others, while serving to protect the public;

THEREFORE, BE IT RESOLVED, that the Mississippi State Board of Medical Licensure, on behalf of the Board and the people of the State of Mississippi, by means of this resolution, express to Mr. Ware its gratitude and appreciation for his services during the years he devoted to the Board and the State of Mississippi; and

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of the Board and a copy be given to Mr. Ware expressing to him the highest esteem of the Board.

DATED, this the **Nineteenth** day of **May, 2022**.

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

Michelle Y. Owens, M.D.
Vice President

C. Ken Lippincott, M.D.
Secretary

Charles D. Miles, M.D.
Board Member

Kirk L. Kinard, D.O.
Board Member

Allen Gersh, M.D.
Board Member

Daniel Edney, M.D.
Board Member

Thomas Joiner, M.D.
Board Member

Roderick Givens, M.D.
Board Member

Wesley Breland
Consumer Member

Shoba Gaymes
Consumer Member

Attest: Kenneth Cleveland, M.D.
Executive Director

Mike Lucius
Deputy Director

Mississippi Secretary of State

125 South Congress St., P. O. Box 136, Jackson, MS 39205-0136

ADMINISTRATIVE PROCEDURES NOTICE FILING

AGENCY NAME Mississippi State Board of Medical Licensure		CONTACT PERSON Jonathan Dalton	TELEPHONE NUMBER 601-987-3079	
ADDRESS 1867 Crane Ridge Drive, Suite 200-B		CITY Jackson	STATE MS	ZIP 39216
EMAIL mboard@msbml.ms.gov	SUBMIT DATE 3/28/22	Name or number of rule(s): 30 Miss. Admin. Code, Pt. 2615 <i>Physician Assistants, R.1.10 Continuing Education</i>		

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: Revision of the continuing education requirements and cycle for Physician Assistants to align with that of physicians, and for related purposes.

Specific legal authority authorizing the promulgation of rule: Miss. Code Ann., §73-43-11

List all rules repealed, amended, or suspended by the proposed rule: Rule 1.10

ORAL PROCEEDING:

☐ An oral proceeding is scheduled for this rule on Date: _____ Time: _____ Place: _____

☒ Presently, an oral proceeding is not scheduled on this rule.

If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address, email address, and telephone number of the person(s) making the request; and, if you are an agent or attorney, the name, address, email address, and telephone number of the party or parties you represent. At any time within the twenty-five (25) day public comment period, written submissions including arguments, data, and views on the proposed rule/amendment/repeal may be submitted to the filing agency.

ECONOMIC IMPACT STATEMENT:

☒ Economic impact statement not required for this rule. ☐ Concise summary of economic impact statement attached.

TEMPORARY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
_____ Original filing _____ Renewal of effectiveness To be in effect in _____ days Effective date: _____ Immediately upon filing _____ Other (specify): _____	Action proposed: _____ New rule(s) <input checked="" type="checkbox"/> Amendment to existing rule(s) _____ Repeal of existing rule(s) _____ Adoption by reference Proposed final effective date: <input checked="" type="checkbox"/> 30 days after filing _____ Other (specify): _____	Date Proposed Rule Filed: _____ Action taken: _____ Adopted with no changes in text _____ Adopted with changes _____ Adopted by reference _____ Withdrawn _____ Repeal adopted as proposed Effective date: _____ 30 days after filing _____ Other (specify): _____

Printed name and Title of person authorized to file rules: Jonathan Dalton, Director of Investigations

Signature of person authorized to file rules: [Signature]

OFFICIAL FILING STAMP	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP	OFFICIAL FILING STAMP
Accepted for filing by	<div style="text-align: center;">  </div>	Accepted for filing by
	Accepted for filing by <u>26222 Pam</u>	

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Title 30, Part 2615 Physician Assistants, Rule 1.10 Continuing Education

Rule 1.10 | Continuing Education

Each licensed physician assistant must show proof of completing not less than 100 hours of continuing medical education (CME) over a two-year cycle, 50 hours of which must be Category 1, as defined by the Accreditation Council for Continuing Medical Education (ACCME), American Academy of Physician Assistants (AAPA), American Medical Association (AMA), or American Osteopathic Association (AOA), as a condition precedent to renewing his or her license. Physician assistants who are certified by the NCCPA may meet this requirement by providing evidence of current NCCPA certification. For the purposes of this regulation, the two-year period begins July 1, 2022, and every two years thereafter.

All physician assistants authorized to prescribe controlled substances must show proof of completing 100 hours of CME each cycle, 50 hours of which must be Category 1, as defined by the ACCME, AAPA, AMA, or AOA, and 5 hours of which must be related to the prescribing of medications with an emphasis on controlled substances.

Source: Miss. Code Ann. §73-26-5 (1972, as amended).

Rule 1.10 | Continuing Education

Each licensed physician assistant must show proof of completing not less than 50100 hours of continuing medical education (CME) each year over a two-year cycle, 2050 hours of which must be Category 1, as defined by the Accreditation Council for Continuing Medical Education (ACCME), American Academy of Physician Assistants (AAPA), American Medical Association (AMA), or American Osteopathic Association (AOA), as a condition precedent to renewing his or her license. Physician assistants who are certified by the NCCPA may meet this requirement by providing evidence of current NCCPA certification. For the purposes of this regulation, the two-year period begins July 1, 2022, and every two years thereafter.

All physician assistants authorized to prescribe controlled substances must show proof of completing 50100 hours of CME each year-cycle, 2050 hours of which must be Category 1, as defined by the ACCME, AAPA, AMA, or AOA, and 40 5 hours of which must be related to the prescribing of medications with an emphasis on controlled substances.

Source: Miss. Code Ann. §73-26-5 (1972, as amended).

Mississippi Secretary of State

125 South Congress St., P. O. Box 136, Jackson, MS 39205-0136

ADMINISTRATIVE PROCEDURES NOTICE FILING

AGENCY NAME Mississippi State Board of Medical Licensure		CONTACT PERSON Jonathan Dalton	TELEPHONE NUMBER 601-987-0248	
ADDRESS 1867 Crane Ridge Drive, Suite 200-B		CITY Jackson	STATE MS	ZIP 39216
EMAIL mboard@msbml.ms.gov	SUBMIT DATE 3/28/22	Name or number of rule(s): Part 2640, Chapter 2 <i>Cannabis Certification</i>		

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: Creation of a new chapter setting forth rules for medical practitioners regarding certification of certain medical conditions for which patients may obtain cannabis, and for related purposes.

Specific legal authority authorizing the promulgation of rule: Miss. Code Ann., §73-43-11

List all rules repealed, amended, or suspended by the proposed rule: None

ORAL PROCEEDING:

☐ An oral proceeding is scheduled for this rule on Date: _____ Time: _____ Place: _____

☒ Presently, an oral proceeding is not scheduled on this rule.

If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address, email address, and telephone number of the person(s) making the request; and, if you are an agent or attorney, the name, address, email address, and telephone number of the party or parties you represent. At any time within the twenty-five (25) day public comment period, written submissions including arguments, data, and views on the proposed rule/amendment/repeal may be submitted to the filing agency.

ECONOMIC IMPACT STATEMENT:

☒ Economic impact statement not required for this rule. ☐ Concise summary of economic impact statement attached.

TEMPORARY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
_____ Original filing _____ Renewal of effectiveness To be in effect in _____ days Effective date: _____ Immediately upon filing _____ Other (specify): _____	Action proposed: <input checked="" type="checkbox"/> New rule(s) _____ Amendment to existing rule(s) _____ Repeal of existing rule(s) _____ Adoption by reference Proposed final effective date: <input checked="" type="checkbox"/> 30 days after filing _____ Other (specify): _____	Date Proposed Rule Filed: _____ Action taken: _____ Adopted with no changes in text _____ Adopted with changes _____ Adopted by reference _____ Withdrawn _____ Repeal adopted as proposed Effective date: _____ 30 days after filing _____ Other (specify): _____

Printed name and Title of person authorized to file rules: Jonathan Dalton, Director of Investigations

Signature of person authorized to file rules: 

OFFICIAL FILING STAMP	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP	OFFICIAL FILING STAMP
<div style="border: 1px solid black; height: 150px; width: 100%;"></div> Accepted for filing by _____	<div style="border: 1px solid black; padding: 10px; text-align: center;">  </div> Accepted for filing by <u>26221 Pom</u>	<div style="border: 1px solid black; height: 150px; width: 100%;"></div> Accepted for filing by _____

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Part 2640: Chapter 2: Cannabis Certification

Rule 1.1 | Scope

The rules contained in this Part 2640, Chapter 2, are promulgated by the Mississippi Board of Medical Licensure (the “Board”) to implement the Mississippi Medical Cannabis Act, Miss. Code Ann., §§ ____-____-____, et seq., (the “Act”). These rules shall apply to all licensees who are registered as certifying practitioners; or who are applying, or re-applying, to register as certifying practitioners. Nothing in these rules shall be construed to require any licensee to issue any written certification pursuant to the Act.

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

Rule 1.2 | Definitions

For the purposes of Part 2640, Chapter 2, the following terms have the meanings indicated:

- A. “Bona-fide practitioner-patient relationship” means:
 - (i) A certifying practitioner and patient have a treatment or consulting relationship, during the course of which the certifying practitioner, within his or her scope of practice, has completed an in-person assessment of the patient’s medical history and current mental health and medical condition and has documented their certification in the patient’s medical records;
 - (ii) The certifying practitioner has consulted in person with the patient with respect to the patient’s debilitating medical condition; and
 - (iii) The certifying practitioner is available to or offers to provide follow-up care and treatment to the patient.
- B. “Cannabis” means all parts of the plant of the genus cannabis, the flower, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or its resin, including whole plant extracts. Such term shall not mean cannabis-derived drug products approved by the federal Food and Drug Administration under Section 505 of the Federal Food, Drug, and Cosmetic Act.
- C. “Certifying practitioner” means any physician or physician assistant who is licensed to prescribe under the licensing requirements set forth in the Administrative Code and the laws of this state, who maintains a current and unrestricted Mississippi medical license, has satisfied all continuing medical education requirements, and who has registered with both the Board and the Mississippi State Department of Health to certify patients as qualifying patients. For purposes of this Chapter, the term “practitioner” shall mean a “certifying practitioner.” For registered qualifying patients who are minors, “certifying practitioner” shall mean only a physician (Medical Doctor [MD] or Doctor of Osteopathic Medicine [DO]) who meets all other requirements for registration.

- D. "Chronic pain" means a pain state in which the cause of the pain cannot be removed or otherwise treated, and which in the generally accepted course of medical practice, no relief or cure of the cause of the pain is possible, or none has been found after reasonable efforts by the certifying practitioner.
- E. "Debilitating medical condition" means:
- (i) Cancer, Parkinson's disease, Huntington's disease, muscular dystrophy, glaucoma, spastic quadriplegia, positive status for human immunodeficiency virus (HIV), acquired immune deficiency syndrome (AIDS), hepatitis, amyotrophic lateral sclerosis (ALS), Crohn's disease, ulcerative colitis, sickle-cell anemia, Alzheimer's disease, agitation of dementia, post-traumatic stress disorder (PTSD), autism, pain refractory to appropriate opioid management, diabetic/peripheral neuropathy, spinal cord disease or severe injury, or the treatment of these conditions;
 - (ii) A chronic, terminal or debilitating disease or medical diagnosis, or its treatment, that produces one or more of the following: cachexia or wasting syndrome, chronic pain, severe or intractable nausea, seizures, or severe and persistent muscle spasms, including, but not limited to, those characteristic of multiple sclerosis; or
 - (iii) Any other serious medical condition or its treatment added by the Mississippi Department of Health, as provided for in the Act.
- F. "Medical use" includes the acquisition, administration, cultivation, processing, delivery, harvest, possession, preparation, transfer, transportation, or use of medical cannabis or equipment relating to the administration of medical cannabis to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the patient's debilitating medical condition. The term "medical use" does not include:
- (i) The cultivation of cannabis unless the cultivation is done by a cannabis cultivation facility; or
 - (ii) the extraction of resin from cannabis by mechanical or chemical extraction unless the extraction is done by a cannabis processing facility.
- G. "Qualifying Condition" means any condition as described in this chapter in R.1.2(E).
- H. "Qualifying Patient" means a person who has been diagnosed by a certifying practitioner as having a debilitating medical condition and has been issued a written certification, or who is eligible to receive such certification, under the Act.

- I. “Scope of Practice” means the defined parameters of various duties, services or activities that may be provided or performed by a certifying practitioner under state law and the rules and regulations adopted by the Board.
- J. “Written Certification” means a form approved by the Mississippi State Department of Health, signed and dated by a certifying practitioner, certifying that a person has a debilitating medical condition, and that includes the following:
 - (i) The date of issue and the effective date of the recommendation;
 - (ii) The patient's name, date of birth and address;
 - (iii) The practitioner's name, address, and federal Drug Enforcement Agency number; and
 - (iv) The practitioner's signature.

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

Rule 1.3 | Certification

A. Certification Generally

Certifying practitioners must be authorized and registered with both the Board and the Mississippi State Department of Health to certify patients to obtain cannabis for medical use. A practitioner shall not issue a written certification unless (a) a bona fide certifying practitioner-patient relationship exists; (b) the certifying practitioner has diagnosed the patient as having a qualifying condition after an in-person evaluation, including any necessary and appropriate laboratory testing; and (c) the certifying practitioner believes, in his or her professional opinion, that the patient would likely receive medical or palliative benefit from the medical use of cannabis to treat or alleviate the patient's qualifying condition or symptoms associated with that condition.

A certifying practitioner shall conduct the evaluation, diagnosis, and certification processes in a manner consistent with all professional and medical standards of care, and document all information related to those processes in the patient’s records.

The diagnosis of a qualifying condition must be documented in a written certification that shall:

- (i) Affirm that it is made in the course of a bona fide practitioner-patient relationship;
- (ii) Remain current for twelve (12) months, unless the certifying practitioner specifies a shorter period of time;
- (iii) Be issued only after an in-person assessment of the patient by the certifying practitioner;
- (iv) Only be issued on behalf of a minor when the minor’s parent or guardian, as defined in the Act, provides signed consent; and
- (v) Be limited to the allowable amount of cannabis in a thirty-day period.

B. Treatment Plan

Prior to certifying a patient, certifying practitioners must document a written treatment plan that includes:

- (i) Review of other measures attempted to ease the suffering caused by the qualifying condition that do not involve the recommendation of cannabis.
- (ii) Advice about other options for managing the qualifying condition.
- (iii) Determination that the patient may benefit from cannabis.
- (iv) Stated goals that include the reduction of, and optimally the elimination of, controlled substances used to treat the qualifying condition.
- (v) Advice about the potential risks of the medical use of cannabis, to include:
 - (a) The risk of cannabis use disorder;
 - (b) Exacerbation of psychotic disorders and adverse cognitive effects for children and young adults;
 - (c) Adverse events, including falls or fractures;
 - (d) Use of cannabis during pregnancy or breast feeding;
 - (e) The need to safeguard all cannabis and cannabis-infused products from children and pets; and
 - (f) Notification to the patient that the cannabis is for the patient's use only and the cannabis should not be donated or otherwise supplied to another individual (i.e., diverted).
- (vi) Additional diagnostic evaluations or other planned treatments.
- (vii) A specific duration for the cannabis authorization for a period no longer than twelve (12) months.

Patients with a history of substance use disorder or a co-occurring mental health disorder may require specialized assessment and treatment. The certifying practitioner may seek consultation with, or refer the patient to, a pain management, psychiatric, addiction, or mental health specialist as needed.

After a certifying practitioner has issued a written certification for a patient, the Act requires the patient to make a follow-up visit with the practitioner not less than six (6) months after the date of issuance of the certification, for the practitioner to evaluate and determine the effectiveness of the patient's medical use of cannabis to treat or alleviate the patient's qualifying condition or symptoms associated with that condition. Should the patient fail to attend a follow-up visit as required, the certifying practitioner may not re-certify said patient until a follow-up visit is conducted.

C. Pediatric Certifications

Only physicians (Medical Doctors [MD] or Doctors of Osteopathic Medicine [DO]) may issue written certifications to registered qualifying patients who are minors (younger than eighteen (18) years of age).

A certifying practitioner may not issue a written certification to a qualifying patient who is younger than eighteen (18) years of age unless:

- (a) The qualifying patient's practitioner has explained the potential risks and benefits of the medical use of medical cannabis to the custodial parent or legal guardian with responsibility for health care decisions for the qualifying patient; and
- (b) The custodial parent or legal guardian with responsibility for health care decisions for the qualifying patient consents in writing to:
 - (i) Acknowledge the potential harms related to the use of medical cannabis;
 - (ii) Allow the qualifying patient's medical use of medical cannabis;
 - (iii) Serve as the qualifying patient's designated caregiver; and
 - (iv) Control the acquisition of the medical cannabis, the dosage and the frequency of the use of medical cannabis by the qualifying patient.

D. Young Adult Certifications

Notwithstanding any other provision to the contrary, a patient with a qualifying condition who is between eighteen (18) years to twenty-five (25) years of age is not eligible for a medical cannabis registry identification card unless two (2) practitioners from separate medical practices have diagnosed the patient as having a qualifying condition after an in-person consultation. One (1) of these practitioners must be a physician (Medical Doctor [MD] or Doctor of Osteopathic Medicine [DO]).

If one (1) of the recommending practitioners is not the patient's primary care practitioner, the recommending practitioner shall review the records of a diagnosing practitioner. The requirement that the two (2) practitioners be from separate medical practices does not apply if the patient is homebound or if the patient had a registry identification card before the age of eighteen (18).

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

Rule 1.4 | Patient Record

A practitioner who evaluates a patient for certification must maintain a complete record of his or her examination, evaluation and treatment of the patient. The record required by this rule must be maintained in the patient's medical records, and said records must be available for inspection by the representatives of the Mississippi State Board of Medical Licensure. Records shall be maintained for a minimum period of seven (7) years from the date of completion or the last certification occurred.

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

Rule 1.5 | Continuing Medical Education (CME)

Practitioners applying to register with the Board as a certifying practitioner for the first time must complete a minimum of eight (8) hours of CME in the area of medical cannabis before initial registration shall be approved. After the first year of registration, certifying practitioners shall complete at least five (5) hours of CME in the area of medical cannabis before a reapplication shall be approved. All CME hours in the area of medical cannabis must be earned in courses approved by the Mississippi State Department of Health. CME hours obtained under this rule are in addition to the standard number of CME hours required in Pts. 2610 and 2615.

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

Rule 1.6 | Advertising

Advertising for cannabis certification must be professional in nature and may not be designed in such a way as to suggest that patients will obtain certification regardless of their condition or compliance with the requirements of the Act, or in any way that entices minors.

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

Rule 1.7 | Freedom of Choice and Conflicts of Interest

Patients are entitled to the same freedom of choice in selecting where to obtain their cannabis as they are in the choice of a certifying practitioner. The following conduct by any certifying practitioner is a direct violation of the Mississippi Medical Cannabis Act and is prohibited: (a) purposefully referring patients to a specific medical cannabis establishment or to a registered designated caregiver, (b) advertising in a medical cannabis establishment, or (c) issuing written certifications while holding a financial interest in a medical cannabis establishment.

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

Rule 1.8 | Mississippi Prescription Monitoring Program (MPMP) and Urine Drug Screening

Certifying Practitioners who certify patients for cannabis must review the MPMP at each patient encounter involving certification, re-certification, or follow-up related to medical cannabis. MPMP data reviewed shall include all information since the previous review. The certifying practitioner shall note in the patient's chart that the MPMP was reviewed and provide appropriate information regarding the findings of said review.

As part of the in-person evaluation of a patient for initial certification or for re-certification each year, certifying practitioners shall conduct urine drug screening (UDS) and other laboratory tests necessary for full evaluation of the patient's eligibility for medical cannabis. In the absence of urine, other testing methods may be used. Tests must include, at a minimum, assays for opioids, benzodiazepines, amphetamines, cocaine, and cannabis. Inconsistent UDS should be utilized as a tool to determine compliance with treatment.

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

Rule 1.9 | Concomitant Prescribing of Controlled Substances and Cannabis Certification

The concomitant prescribing of controlled substances after certification for cannabis is generally discouraged and should be considered with caution. There is a lack of data currently on the interactions between controlled substances and cannabis. When considering certification or re-certification for cannabis, certifying practitioners should focus on improving their patient's quality of life while simultaneously assessing for contraindications to the concurrent use of controlled substances and cannabis, with the goal of greatly reducing or completely eliminating other mood-altering substances when possible.

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

Rule 1.10 | Violations

Violation of any of the rules or requirements in this Part 2640, Chapter 2, or of any provision of the Mississippi Medical Cannabis Act, constitutes unprofessional conduct in violation of Miss. Code Ann. § 73-25-29(8)(d) and may subject a licensee to discipline. Discipline under this Chapter and other provisions of the Administrative Code shall be in addition to any other civil, criminal, or administrative penalties available under state law.

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

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

IN THE MATTER OF THE LICENSE OF:

DOMINIC TRINCA, M.D.

ORDER

THIS MATTER came on regularly for hearing on May 19, 2022, before the Mississippi State Board of Medical Licensure (hereinafter “Board”), pursuant to Title 73, Chapter 25 of Mississippi Code (1972) Annotated. Dominic Trinca, M.D. (“Licensee”) is seeking approval for advancement in a reentry-to-practice program as prescribed in CPEP’s reentry plan.

Licensee was present and represented by Honorable Philip Chapman. 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; Michelle Owens, M.D.; Ken Lippincott, M.D.; Daniel Edney, M.D.; Charles D. Miles, M.D.; Kirk Kinard, D.O.; Thomas Joiner, M.D.; and

Roderick Givens, M.D. Consumer members present were Koomarie “Shoba” Gaymes and Wesley Breland.

Licensee’s history with the Board is substantial, containing multiple instances of non-compliance with Board orders and contracts with the Mississippi Professional Health Program (MPHP). In July 2020, the Board denied Licensee’s request for reinstatement, since the evaluation report from the Center for Personalized Education for Professionals (CPEP) showed multiple deficiencies in competency needed for reinstatement, including but not limited to, gaps in medical knowledge and clinical judgment and reasoning. While denying the petition, the Board advised Licensee that upon presentation of an acceptable education plan prepared and supported by CPEP, the Board would then consider granting a restricted license so as to permit Licensee to practice in a structured supervised setting by completing the education requirements as prescribed by CPEP.

The last formal action before the Board occurred on May 20, 2021, wherein the Board granted Licensee’s request for reinstatement of licensure on a restricted basis. Licensee was ordered to be under “Direct Observation” of a preceptor for six (6) months. At all times during the six (6) months, the Preceptor was required to personally observe all of Licensee’s medical procedures or patient encounters. In the event the current preceptor declined to serve or for any reason cannot continue to serve in that capacity, Licensee’s responsibility was to advise the Board and secure another preceptor with written consent in advance from CPEP and the Board’s executive director. Licensee was also ordered to always have a chaperone present

during any encounter with a female patient and was prohibited from performing pelvic or breast exams on female patients.

Additionally, Licensee was ordered to appear before the Board at its November 2021 regularly held meeting to address the status of the CPEP preceptorship program, compliance with the order and MPHP, and to determine what, if any, restrictions should be continued.

At the May 19, 2022 hearing, the Board reviewed several exhibits that were introduced including Licensee's petition to reappear before the Board; Licensee's May 20, 2021 Board Order; Licensee's CPEP progress report dated December 8, 2021; Licensee's CPEP progress report dated April 26, 2022; DEA cover letter dated April 1, 2022 signed; Memo of understanding between Licensee and the DEA; and a progress letter from Acumen. Three letters of recommendation were also submitted on Licensee's behalf—including one from Licensee's Preceptor.

Licensee testified that he could not appear before the Board in November 2021, because he did not start working with his Preceptor until October 2021. Licensee also testified that in order for him to ultimately advance to end-of-day practice in the CPEP-prescribed program, he would need the Board's approval to move to the next step of advancement, which is concurrent case review. Advancement would require the Board to lift the restriction requiring the Preceptor to personally observe all of Licensee's medical procedures or patient encounters. Ultimately, the Board found that Licensee had been in compliance with the May 2021 Board order.

NOW THEREFORE, IT IS ORDERED, that the request of Dominic Trinca, M.D. for advancement in the reentry-to-practice program as prescribed by CPEP is approved. Further advancement to end-of-day practice is subject to the approval of the executive director. Licensee shall return to the Board upon completion of the CPEP-prescribed reentry-to-practice program in its entirety.

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 Dominic Trinca, M.D.

SO ORDERED, this the 19th day of May 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:

BHAVIK PATEL, D.O.

ORDER

THIS MATTER came on regularly for hearing on May 19, 2022, before the Mississippi State Board of Medical Licensure (hereinafter “Board”), pursuant to Title 73, Chapter 25 of Mississippi Code (1972) Annotated. Bhavik Patel D.O. (“Licensee”) is seeking licensure pursuant to Miss. Code Ann. Section 73-25-29, following the denial of application for Mississippi permanent medical licensure.

Licensee was present and represented by Honorable Penny Lawson. 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; Michelle Owens, M.D.; Ken Lippincott, M.D.; Daniel Edney, M.D.; Charles D. Miles, M.D.; Kirk Kinard, D.O.; Thomas Joyner, M.D.; and

Roderick Givens, M.D. Consumer members present were Koomarie “Shoba” Gaymes and Wesley Breland.

A composite exhibit was introduced that included: 1) an Order to Show Cause and affidavit; 2) Respondent’s Response; 3) Respondent’s DO Application; 4) Respondent’s handwritten submissions dated 6/22/2021; 5) Respondent’s handwritten submission dated 7/25/2021; 6) Respondent’s Arrest narrative dated 8/5/2021; 7) Texas Tech University Verification dated 7/1/2021, Texas Tech Program Director’s Report, Texas Tech University Letter dated 3/11/2020, Texas Tech Letter dated 3/24/2020; 8) Texas Medical Board’s Order of Temporary Suspension dated 11/29/2020; 9) Texas Medical Board’s Order Granting Termination of Suspension dated 6/11/2021; 10) Respondent’s Application for Pre-Trial Diversion and Pre-Trial Diversion Terms and Conditions; 11) Respondent’s Petition for Expunction; 12) Respondent’s Motion to Dismiss; 13) Bench Order of Dismissal; 14) Miss. Code Ann. § 97-2-51; 15) Texas Rule 163.2; and 16) Respondent’s Denial letter and request for hearing dated 9/9/2021.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Respondent testified that he found an advertisement on a popular website and contacted the author of the ad, an undercover female officer posing as a seventeen (17) year old female, by text message. The evidence presented at the hearing supports that the Respondent continued to converse with the female even though he knew that she was under the age of 18. Respondent negotiated to engage in sexual activity with the 17-year-old female at a hotel. Upon arriving at the hotel, Respondent was

arrested by the Lubbock Police Department and charged with prostitution/other pay or person under eighteen (18) years of age, a second-degree felony. Ultimately, Respondent was dismissed from a Texas Tech University residency program in General Surgery and his training permit to practice was terminated by the Texas Medical Board. Respondent testified that he knew what he had done was wrong and that he had learned a lesson on human trafficking and minors. Respondent also noted that while he had filed for expungement of the arrest, the hearing had not yet occurred.

Based on the evidence and testimony presented, the Board finds that the Respondent is guilty of having been disciplined by a licensed hospital or medical staff of said hospital by virtue of his dismissal from a residency program in violation of Miss. Code Ann. § 73-25-83(c).

Based on the evidence and testimony presented, the Board finds that the Respondent is guilty of revocation, suspension, or other restrictions imposed on license, permit, or certificate issued by another state licensing authority which prevents or restricts practice in that jurisdiction in violation of Miss. Code Ann. § 73-25-29(9).

Based on the evidence and testimony presented, the Board finds that Respondent is guilty of unprofessional conduct, including any dishonorable or unethical conduct likely to deceive, defraud or harm the public in violation of Miss. Code Ann. §§ 73-25-29(8)(d) and 73-25-83(a).

The Board notes that Respondent has neither completed a residency program, nor has he undergone a psychosexual evaluation to determine whether he is fit to practice medicine.

ADJUDICATION

NOW THEREFORE, IT IS ORDERED, that the request of Bhavik Patel, D.O. for licensure is hereby denied.

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 Bhavik Patel, D.O.

SO ORDERED, this the 19th day of May 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 LICENSE OF:

DAVID ARI LAPIDES, M.D.


ORDER OF CONTINUANCE

THIS MATTER came on regularly for consideration by the Mississippi State Board of Medical Licensure, in response to a request for continuance of the hearing set for May 19, 2022, made by David Ari Lapidés, M.D. (hereinafter "Licensee"). After consideration of the matter, the Board finds Licensee's request to be well taken.

IT IS, THEREFORE, ORDERED, that this matter is continued until July 21, 2022, at 9:00 a.m.

SO ORDERED, this the 19th day of May 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 LICENSE OF:

ERIC THOMAS, M.D.

ORDER OF CONTINUANCE


THIS MATTER came on regularly for consideration by the Mississippi State Board of Medical Licensure, in response to a request for continuance of the hearing set for May 19, 2022, made by Eric Thomas, M.D. (hereinafter "Applicant"). After consideration of the matter, the Board finds Applicant's request to be well taken.

IT IS, THEREFORE, ORDERED, that this matter is continued until July 21, 2022, at 9:00 a.m.

SO ORDERED, this the 19th day of May 2022.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**

BY: _____


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