

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
IN THE MATTER OF THE PHYSICIAN'S LICENSE
OF
JOHN PAUL PAYNE, M.D.

CONSENT ORDER

WHEREAS, JOHN PAUL PAYNE, M.D., hereinafter referred to as "Licensee," is the current holder of License Number 17690 issued on July 1, 2002, to practice medicine in the State of Mississippi;

WHEREAS, the Investigative Division of the Mississippi State Board of Medical Licensure, hereinafter referred to as the "Board," has conducted a comprehensive investigation into the medical practice of Licensee in the State of Mississippi;

WHEREAS, said investigation revealed evidence that Licensee failed to maintain proper boundaries with a patient for whom Licensee self-reported a single incident involving a sexual boundary violation with said patient, which was corroborated by polygraph testing;

WHEREAS, Licensee has now violated his Recovery Contract Agreement, hereinafter referred to as "RCA," in that Licensee failed an initial polygraph test and a follow-up polygraph test regarding sexual behaviors that did not involve patients or staff when Licensee presented for his one week recheck at Pine Grove Behavioral Health Professional Enhancement Program (PEP);

WHEREAS, said evidence, being especially egregious, if presented during the course of an evidentiary hearing before the Board, constitutes a violation of the Mississippi Medical Practice Act, specifically Subsections (8)(d) of Miss. Code Ann., §73-25-29 and §73-25-83(a), for which the Board may revoke the medical license of Licensee, suspend it for a time deemed proper by the Board, or take any other action as the Board may deem proper under the circumstances;

WHEREAS, execution of this Consent Order is a condition of Licensee's RCA; therefore, Licensee must maintain advocacy with Mississippi Physician Health Program, hereinafter referred to as "MPHP," at all times. Licensee has agreed to execute this Consent Order subject to the terms and conditions as specified below;

NOW THEREFORE, the Mississippi State Board of Medical Licensure, with consent of Licensee as signified by his joinder herein, does hereby place the following conditions on his license to practice medicine in the State of Mississippi:

1. Licensee agrees to abide by all terms set forth in the Five Year Recovery Contract Agreement executed August 23, 2017, along with the Life of Practice Addendum, dated September 21, 2017, with the Mississippi Physician Health Program, inclusive of submitting to witnessed, random urine drug collections to the Board Investigator upon request.
2. Licensee agrees to bi-annual polygraph testing and a mandatory, informed chaperone for all female patient encounters. Licensee agrees that the chaperone will be designated by his employer, and Licensee will have no oversight of said chaperone.
3. Licensee agrees that any violation of this Order or of his responsibilities to the Board and/ or his RCA, and/ or loss of advocacy from MPHP, will result in the Board having the right to immediately suspend Licensee's certificate to practice medicine, without a hearing, until a due process hearing on the matter is conducted at the first available regular meeting date following issuance of the immediate suspension.
4. Licensee agrees to participate in random patient surveys, facilitated by the Board's Clinical Director of Physician Compliance and in conjunction with the Veterans Administrations Privacy Officer. Said surveys will be conducted at the discretion of the Board and Licensee will assume all financial responsibility associated with said monitoring. Licensee will be billed on at least a semiannual basis and shall pay the associated costs within thirty (30) days upon receipt of the invoice.

By executing this Consent Order, Licensee does not admit to or acknowledge any act of malpractice, and this Order cannot be used against Licensee as proof of misconduct or medical malpractice in any other civil or criminal proceeding.

This Consent Order shall be subject to approval by the Board. If the Board fails to approve this Consent Order, in whole or in part, it shall have no force or effect on the parties. It is further understood and agreed that the purpose of this Consent Order is to avoid a hearing before the Board. In this regard, Licensee authorizes the Board to review and examine any documentary evidence or material concerning the Licensee prior to or in conjunction with its consideration of this Consent Order. Should this Consent Order not be accepted by the Board, it is agreed that presentation to and consideration of this Consent Order and other documents and matters pertaining thereto by the Board shall not unfairly or illegally prejudice the Board or any of its members from participation in any further proceedings.

Licensee understands and expressly acknowledges that this Consent Order, if approved and executed by the Mississippi State Board of Medical Licensure, shall constitute a public record of the State of Mississippi. Licensee further acknowledges that the Board shall provide a copy of this Order to, among others, the U.S. Drug Enforcement Administration, and the Board makes no representation as to action, if any, another agency or jurisdiction may take in response to this Order.

Recognizing his right to notice of charges specified against him, to have such charges adjudicated pursuant to Miss. Code Ann. §73-25-1 et seq., to be represented therein by legal counsel of his choice, and a final decision based on written findings of fact and conclusions of law, the undersigned, John Paul Payne, M.D., nonetheless, hereby waives such rights and authorizes the Board to accept this Consent Order, thereby placing the above enumerated terms and conditions on his license.

[Signature page follows]

EXECUTED, this the 20 day of September, 2018.

By: John Paul Payne
JOHN PAUL PAYNE, M.D.

ACCEPTED AND APPROVED, this the 20th day of September, 2018,
by the Mississippi State Board of Medical Licensure.

By: Kenn Cleveland
KENNETH E. CLEVELAND, M.D.
Executive Director
Mississippi State Board of Medical Licensure

ACCEPTED AND APPROVED, this the 20th day of September, 2018,
by the Mississippi State Board of Medical Licensure.

By: Claude D. Brunson
CLAUDE D. BRUNSON, M.D.
Board President