

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

**IN THE MATTER OF THE PHYSICIAN'S LICENSE**

**OF**

**SAMUEL MARCUS ALLEN, II, M.D.**

**CONSENT ORDER**

**WHEREAS, SAMUEL MARCUS ALLEN, II, M.D.,** hereinafter referred to as "Licensee," is the current holder of Mississippi Medical License No. 06374, issued June 7, 1972. said license number expires on June 30, 2019;

**WHEREAS,** during 2017 and 2018, the Investigative Staff of the Mississippi State Board of Medical Licensure, hereinafter referred to as the "Board," conducted an investigation of Licensee and has in its possession evidence which, if produced during the course of an evidentiary hearing, could substantiate that Licensee has violated provisions of the Board's Administrative Code pertaining to the prescribing of controlled substances, failed to produce requested records and is guilty of unprofessional conduct, which includes being guilty of any dishonorable or unethical conduct likely to deceive, defraud or harm the public;

**WHEREAS,** the above conduct, if established before the Board, constitutes violations of the Mississippi Medical Practice Act, specifically, Subsections (3), (8)(d) and (13) of § 73-25-29, Miss. Code Ann. (1972), as amended, 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**, it is the desire of Licensee to avoid an evidentiary hearing before the Board and, in lieu thereof, has agreed to enter into this Consent Order subject to the terms, conditions and restrictions 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 Licensee's ability to practice medicine in the State of Mississippi on **probation**, subject to the following terms and conditions:

1. Licensee herewith gives notice of his intent to retire from the practice of medicine on or before June 30, 2019. Licensee shall not renew Medical License Number 06374 for any future renewal period. With Licensee's entry into this agreement, the Executive Director of the Board shall designate said license as Surrendered and not eligible for renewal, effective June 30, 2019.
2. Licensee shall **immediately surrender** his prescriptive authority for controlled substances by taking those actions necessary on his part to notify the U.S. Drug Enforcement Administration (DEA) of his intention to initiate surrender and retirement of his Controlled Substances Registration Certificate AA5534246.
3. Upon surrender of said DEA Registration Certificate, Licensee shall be prohibited from the issuance or authorization of any controlled substances defined by the Mississippi Code, which are in addition to those defined within the United States Code of Federal Regulations, including, but not limited to, pseudoephedrine-containing products.
4. Licensee shall not suggest, recommend, direct or otherwise instruct any mid-level provider (e.g., APRNs or PAs) with whom he may maintain a collaborative practice

relationship, or any employment relationship, to initiate or continue therapies utilizing controlled substances by proxy of the mid-level providers' prescriptive authorities. Licensee may inform another medical provider of a common patient's past medical history, and treatment therapies provided by Licensee, but no other provider should feel imposed upon to continue such therapies.

5. Licensee shall initiate procedures and actions for his retirement from medical practice, with appropriate notice given to his employer(s), patients and other entities known to Licensee to be affected by this action.
6. Licensee expressly agrees that he will not seek or attempt to seek an appearance before the Board prior to the completion of the terms of this Order, and further, agrees the terms and conditions of this Order, once executed, may not be appealed.
7. Licensee shall obey all federal, state and local laws, and all rules and regulations governing the practice of medicine.
8. Licensee's remaining practice of medicine in Mississippi shall be subject to unannounced inspection for compliance with the conditions of this Order, inclusive of the immediate production of patient records and other required documents, upon request by a representative of the Board, any Board Member or the Executive Director.
9. Licensee shall reimburse the Board for all costs incurred in relation to the pending matter pursuant to Miss. Code Ann., § 73-25-30, said amount not to exceed \$10,000. Licensee shall be advised of the total assessment by separate written notification and shall tender to the Board a certified check or money order made

payable to the Mississippi State Board of Medical Licensure, on or before forty (40) days from the date the assessment is mailed to Licensee via U.S. Mail to Licensee's current mailing address.

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.

Should the Board hereafter receive documented evidence of Licensee's violating any of the terms and conditions of this Consent Order, the Board shall have the right, pursuant to a full evidentiary hearing, to revoke the medical license of Licensee; suspend it for a time deemed proper by the Board, or take any other action determined as necessary by the Board.

Further, it is not the intent or purpose of this Order to encourage malpractice liability as a result of Board action. Therefore, by execution of this Consent Order, Licensee is not admitting to or acknowledging any conduct or act of malpractice.

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, which the U.S. Drug Enforcement Administration, insurance company, insurance panel, healthcare network, 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., § 73-25-27 (1972), to be represented therein by legal counsel of his choice, and to a final decision rendered upon written findings of fact and conclusions of law, **SAMUEL MARCUS ALLEN, II, M.D.**, nevertheless, hereby waives his right to notice and a formal adjudication of charges and authorizes the Board to enter an order accepting this Consent Order, thereby placing his medical license on **probation**, subject to those terms and conditions listed above.

Executed, this the 4 day of March, 2019.

  
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**SAMUEL MARCUS ALLEN, II, M.D.**

ACCEPTED AND APPROVED, this the 21<sup>st</sup> day of March, 2019, by  
the Mississippi State Board of Medical Licensure.

  
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**CLAUDE D. BRUNSON, M.D.**  
Board President