

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF PHYSICIAN'S LICENSE

OF

JACQUELINE G. CURTIS, M.D.

SUMMONS

**TO: JACQUELINE G. CURTIS, M.D.
4834 Worth Street
Dallas, TX 75246**

LICENSE NUMBER 26401

YOU ARE HEREBY SUMMONED to appear before the Mississippi State Board of Medical Licensure in its Executive Conference Room, 1867 Crane Ridge Drive, Suite 200-B, Jackson, Hinds County, Mississippi, on Thursday, November 14, 2019, at 9:00 A.M., to answer the charges filed against you in the matter now pending before this Board. The Mississippi State Board of Medical Licensure, charged by law with the licensing of medical doctors in this state, under Title 73, Chapter 25, Miss. Code Ann., charges that you, a physician duly licensed under the authority of the Mississippi State Board of Medical Licensure and the laws of the State of Mississippi, are guilty of having your license to practice medicine in another state or jurisdiction revoked, suspended or other restriction imposed thereon which prevents or restricts practice in that jurisdiction; are guilty of advertising the practice of weight loss and failing to register as a Bariatric Weight Loss Clinic in violation of the Board's Administrative Law, Title 30, Part 2640, Rule 1.6 (C.); are guilty of prescribing narcotic drugs, or other drugs having addiction forming or addiction sustaining liability otherwise than in the course of legitimate professional practice; are

guilty of obtaining or attempting to obtain a license by fraud or deception; are guilty of the use of any false, fraudulent or forged statement or document of the use of any fraudulent, deceitful, dishonest or immoral practice in connection with any of the licensing requirements, including signing in your professional capacity any certificate that is known to be false at the time you make or signs such certificate; and are guilty of unprofessional conduct, which includes being guilty of any dishonorable or unethical conduct likely to deceive, defraud or harm the public.

Pursuant to Subsections (3), (7), (8)(d) and (f), and (9) of § 73-25-29, and § 73-25-83(a), Miss. Code Ann., as amended, such action constitutes grounds for which the Mississippi State Board of Medical Licensure may place your license on probation, the terms of which may be set by the Board, suspend your right to practice for a time deemed proper by the Board, revoke your Mississippi medical license or take any other action in relation to your license as the Board may deem proper under the circumstances.

The Mississippi State Board of Medical Licensure further advises that you have the right to be present at the hearing, to be represented by counsel, to produce witnesses or evidence on your behalf, to cross-examine witnesses and to have subpoenas issued on your behalf by this Board. A full text of the Board's Rules of Procedure can be found at the Board's website www.msbml.ms.gov or can be obtained from the Board office. By service of this Summons and attached Rules, you are deemed to be fully advised of the same.

You are further advised that, pursuant to the Board's Rules of Procedure, you must file an answer or response to this Summons/Affidavit within fifteen (15) days of the date you receive the same or all matters asserted therein shall be deemed admitted.

**GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 6th day of
November, 2019.**



**Kenneth E. Cleveland, M.D.
Executive Director
Mississippi State Board of Medical Licensure**



MICHAEL OROZCO
 CONSTABLE PRECINCT 5
 DALLAS COUNTY

AFFIDAVIT OF SERVICE

Cause No.: _____

Styled: Mississippi State Board of Medical Licensure vs Jacqueline G. Curtis, M. D.

Serve: Jacqueline G. Curtis, M. D.

State of Texas

County of Dallas

BEFORE ME, personally appeared J. Gomez #536, an Officer authorized to serve process in the State, and to me well known to be the person who has executed this affidavit, and after being duly sworn, states he or she acting in their capacity as **Deputy Constable**, employed by **Michael Orozco, Constable for Precinct 5, Dallas County, Texas**, caused a copy of the above caption matter to be served upon the Defendant(s) at dates and times stated below.

Served the 8th day of November, 2019, at 12:17 o'clock AM, PM at 4834 Worth Street Dallas, Tx 75246

By serving: Jacqueline G. Curtis, M. D.

 Deputy Constable J. Gomez #536

Subscribed and sworn to before me on this 8th day of November, 2019.

 Notary Public in and for Dallas County, Texas
 My Commission expires: 9-29-2022

**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
IN THE MATTER OF THE PHYSICIAN'S LICENSE**

OF

JACQUELINE G. CURTIS, M.D.

STATE OF MISSISSIPPI

COUNTY OF HINDS

AFFIDAVIT

I, Michael B. Smith, Agent, Mississippi State Board of Medical Licensure, hereinafter referred to as the "Board," do hereby make oath that I have reason to believe and do believe:

1. That **Jacqueline G. Curtis, M.D.**, hereinafter referred to as "Licensee," is a physician licensed to practice medicine in the State of Mississippi, currently holding License No. 26401, said license is current through June 30, 2020. Licensee reports her area of practice to be Psychiatry. Moreover, Licensee's medical online-based practice, known as Clarity Clinic of Mississippi, is conducted at 4834 Worth Street, Dallas, Texas.
2. That contact with the U.S. Drug Enforcement Administration (DEA) on November 4, 2019, concluded that Licensee's Texas based Uniform Controlled Substance Registration Certificate No. FC6067905 was issued on June 15, 2016, expired on August 31, 2019, and included prescriptive authority in schedules II, IIN, III, IIIN, IV, and V. Additionally, Licensee currently holds Mississippi based DEA Uniform Controlled Substance Registration Certificate No. FC8151475. Said MS based

certificate was issued on February 8, 2019, expires on August 31, 2021, and includes prescriptive authority in schedules II, IIN, III, IIIN, IV, and V.

3. That on June 14, 2019, the Texas Medical Board and Licensee entered into an Agreed Order that suspended Licensee's Texas medical license number Q-8040. Said Order was a result of an Informal Show Compliance Proceeding and Settlement Conference which was held in response to a letter of invitation from the staff of the Texas Board. Said conference was the result of Licensee being charged by the Texas Board's staff with the inability to practice medicine due to an illness, excessive use of medications, or a physical or mental condition, after it was specifically alleged that Licensee presented for duty at the North Texas State Hospital and was not fit for duty. Licensee was removed from said hospital via ambulance. Oral Communication on November 4, 2019, with the Texas Medical Board's compliance division revealed that Licensee has not fully cooperated with her Agreed Order.

COUNT I

Based on the foregoing disciplinary action taken by the Texas Medical Board, Licensee is guilty of Miss. Code Ann., §73-25-29(9), i.e. having her license to practice medicine in another state or jurisdiction revoked, suspended or other restriction imposed thereon which prevents or restricts practice in that jurisdiction, a certified copy of a disciplinary order action taken by the other state or jurisdiction being prima facia evidence thereof.

COUNT II

Based upon the foregoing, Licensee is guilty of unprofessional conduct, which includes being guilty of any dishonorable or unethical conduct likely to deceive, defraud or harm the public, all in violation of Miss. Code Ann., §§ 73-25-29(8)(d) and 73-25-83(a).

4. That on October 31, 2019, Licensee's website, www.adhdmississippi.com, as reported during Licensee's renewal application process, was accessed. Said website advertises that Licensee treats weight loss, in addition to sleep disorders, and adult and adolescent ADHD. Additionally, said website states, "*WEIGHT LOSS TREATMENT Faster & Safer Dr. Curtis uses medications that are safer but more effective than traditional weight loss treatments to target Binge Eating Disorder and combat the weight gain caused by many psychiatric medications. Each plan is tailored to the individual patient, especially patients who have failed previous weight loss treatments.*" The Board's Administrative Code, Titled 30, Part 2640, Rule 1.2, *Definitions*, paragraph M., states, "*Bariatric Medicine, Medical Weight Loss, or Weight Management Practice*" means a public or privately-owned practice (a.) for which 30% or more of the patients are provided a comprehensive weight management treatment program or; (b.) 30% or more of the patients receive any controlled substance approved by the FDA for the pharmacologic management of weight loss or; (c.) any licensee who advertises weight loss by any means (emphasis added). Additionally, Rule 1.6, *Bariatric Medicine, Medical Weight Loss, or Weight Management Practice*, paragraph C., states, "A bariatric medicine, medical weight loss, or weight management practice may not operate in

the state of Mississippi without obtaining a registration certificate from the Mississippi State Board of Medical Licensure.”

COUNT III

Based upon the foregoing, Licensee is guilty of advertising the practice of weight loss without the benefit of registering with the Board, and thereby violating the Board’s Administrative Code, Title 30, Part 2640, Rule 1.6 (C) requiring registration of a Bariatric Weight Loss Practice, all in violation of Miss. Code Ann., § 73-25-29(13).

COUNT IV

Based upon the foregoing, Licensee is guilty of unprofessional conduct, which includes being guilty of any dishonorable or unethical conduct likely to deceive, defraud or harm the public, all in violation of Miss. Code Ann., §§ 73-25-29(8)(d) and 73-25-83(a).

5. That pursuant to this investigation, a Mississippi Prescription Monitoring Report (PMP) was obtained evidencing prescribing of controlled substances from Licensee to patients while utilizing her Texas-based DEA registration certificate No. FC6067905. Said report confirmed the prescribing of Schedule II medications to approximately six (6) Mississippi patients as found below:

Pharmacy City	Rx Number	Fill Date	Written Date	Schedule	Drug Name	Qty
FLOWOOD	2270190	6/17/2019	5/13/2019	C-IIN	VYVANSE 50 MG	30
FLOWOOD	2270197	6/13/2019	5/13/2019	C-IIN	ADDERALL 10 MG	30
FLOWOOD	2270196	5/20/2019	5/13/2019	C-IIN	VYVANSE 50 MG	30
FLOWOOD	2270191	5/16/2019	5/13/2019	C-IIN	ADDERALL 10 MG	30
FLOWOOD	2269833	4/22/2019	4/18/2019	C-IIN	VYVANSE 50 MG	30
FLOWOOD	2269832	4/18/2019	4/18/2019	C-IIN	ADDERALL 10 MG	30
FLOWOOD	977588	3/26/2019	3/26/2019	C-IIN	VYVANSE 50 MG	21
FLOWOOD	977587	3/26/2019	3/26/2019	C-IIN	ADDERALL 10 MG	21
FLOWOOD	972352	3/14/2019	3/14/2019	C-IIN	VYVANSE 50 MG	15

Pharmacy City	Rx Number	Fill Date	Written Date	Schedule	Drug Name	Qty
FLOWOOD	972351	3/14/2019	3/14/2019	C-IIN	ADDERALL 10 MG	15
FLOWOOD	964811	2/25/2019	2/25/2019	C-IIN	VYVANSE 30 MG	21
FLOWOOD	1012085	6/23/2019	6/12/2019	C-IIN	ADDERALL 20 MG	60
FLOWOOD	1002475	5/29/2019	5/27/2019	C-IIN	ADDERALL 20 MG	60
FLOWOOD	993725	5/6/2019	5/6/2019	C-IIN	ADDERALL 20 MG	40
VICKSBURG	254194	3/14/2019	3/14/2019	C-IIN	ADDERALL 10 MG	14
VICKSBURG	254195	3/14/2019	3/14/2019	C-IIN	ADDERALL XR 30 MG	14
PEARL	619455	5/17/2019	5/6/2019	C-IIN	ADDERALL 10 MG	60
PEARL	616907	4/16/2019	4/10/2019	C-IIN	ADDERALL 15 MG	60
PEARL	616906	4/11/2019	4/10/2019	C-IIN	ADDERALL 10 MG	15
PEARL	1010535	3/27/2019	3/27/2019	C-IIN	ADDERALL 15 MG	21
GULFPORT	316475	4/16/2019	4/15/2019	C-IIN	ADDERALL 10 MG	30
GULFPORT	311668	3/15/2019	3/14/2019	C-IIN	ADDERALL 10 MG	60
GULFPORT	309513	2/27/2019	2/27/2019	C-IIN	ADDERALL 20 MG	21
MADISON	1139911	6/10/2019	6/10/2019	C-IV	KLONOPIN 0.5 MG	30
MADISON	1139902	6/10/2019	6/10/2019	C-IIN	VYVANSE 30 MG	30
MADISON	1137340	5/28/2019	5/27/2019	C-IV	KLONOPIN 0.5 MG	14
MADISON	1137339	5/29/2019	5/27/2019	C-IIN	VYVANSE 10 MG	36

Miss. Code Ann., § 41-29-137, Prescriptions, sets forth the statutory language regarding the proper issuance of prescriptions for controlled substances, setting apart Schedule II controlled substances from the other, lower schedules. Pertinent and specific to Licensee's matter is Miss. Code Ann., §41-29-137(4), which states that nothing in section (b) – which pertains to Schedules III and IV – prohibits the use of telemedicine for patient examination purposes. However, no such exception to an in-person evaluation is stated for section (a) – which pertains to Schedule II controlled substances. Stated differently, and to summarize the above aspect of the Mississippi Uniform Controlled Substances Law, it is unlawful for a practitioner to prescribe a Schedule II medication if the patient's evaluation was performed via telemedicine.

COUNT V

Based upon the foregoing, by unlawfully issuing prescriptions for Schedule II medications as a result of a telemedicine encounter, Licensee is guilty of unprofessional conduct, which includes being guilty of any dishonorable or unethical conduct likely to deceive, defraud or harm the public, all in violation of Miss. Code Ann., §§ 73-25-29(8)(d) and 73-25-83(a).

COUNT VI

Based upon the foregoing, Licensee is guilty of the prescribing of any narcotic drug, or any other drug having addiction forming or addiction sustaining liability, otherwise than in the course of legitimate professional practice, all in violation of Miss. Code Ann., §73-25-29(3).

6. That Licensee submitted her application for licensure renewal on May 14, 2019. Affidavit Question 1 of said application asks, "From July 1, 2017, to present, have you been the subject of any disciplinary action or investigation by any US or foreign licensing authority, hospital, institution, society, or other governmental agency?" Licensee responded, "N" indicating no. However, according to the Texas Medical Board's Agreed Order, Licensee was terminated from North Texas State Hospital on August 10, 2018, after her colleagues found her to be unfit for duty. As such, Licensee knew nine (9) months later when renewing her license that she had, in fact, been subject to disciplinary action.

COUNT VII

Based on Licensee's failure to answer Renewal Application Question No. 1 in the affirmative, Licensee is guilty of obtaining or attempting to obtain a license by

fraud or deception, all in violation of Miss. Code Ann., §§ 73-25-29(7).

COUNT VIII

Based upon the foregoing, Licensee is guilty of the use of any false, fraudulent or forged statement or document or the use of any fraudulent, deceitful, dishonest or immoral practice in connection with any of the licensing requirements, including signing in her professional capacity any certificate that is known to be false at the time she makes or signs such certificate, all in violation of Miss. Code Ann., §73-25-29(8)(f).

COUNT IX

Based upon the foregoing, Licensee is guilty of unprofessional conduct, which includes being guilty of any dishonorable or unethical conduct likely to deceive, defraud or harm the public, all in violation of Miss. Code Ann., §§ 73-25-29(8)(d) and 73-25-83(a).



**Michael B. Smith, Agent
Mississippi State Board of Medical Licensure**

SWORN TO AND SUBSCRIBED BEFORE ME, this the 7th day of November, 2019.



NOTARY PUBLIC



Complaint Counsel for the Mississippi State Board of Medical Licensure:

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BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

JACQUELINE GENEVA CURTIS, M.D.

ORDER OF TEMPORARY SUSPENSION

WHEREAS, JACQUELINE GENEVA CURTIS, M.D., hereinafter referred to as "Licensee," is the current holder of Mississippi Medical License No. 26401, said license number expires on June 30, 2020;

WHEREAS, the Mississippi State Board of Medical Licensure, hereinafter referred to as the "Board," upon determining that evidence in its possession indicates that a physician's continuation in practice or unrestricted practice would constitute an immediate danger to the public, has the authority, pursuant to Miss. Code Ann., §73-25-89, to take any of the same actions on a temporary basis, without a hearing, which it could otherwise take under §§ 73-25-81 to 73-25-95 following a hearing, provided proceedings for a hearing before the Board are initiated simultaneously with such temporary action without a hearing, and a hearing to be held within fifteen (15) days of such action;

WHEREAS, the Board has determined that the evidence in its possession indicates that Licensee's continued practice or unrestricted, independent practice of medicine would constitute an immediate danger to the public;

NOW, THEREFORE, IT IS HEREBY ORDERED, that pursuant to authority granted in Miss. Code Ann. §§ 73-25-81 to 73-25-95, Mississippi Medical License No.26401 is hereby **temporarily suspended**, and Licensee shall be prohibited from the practice of medicine pending the outcome of a hearing schedule for November 14, 2019. Pending the scheduled

hearing, Licensee is prohibited from treating, counseling or otherwise offering any medical advice or services to patients. Enclosed herewith, and served as part of this Order of Temporary Suspension, is a copy of the Determination of the Board, wherein it was found that the Board has in its possession evidence indicating that Licensee's continuation in the practice of medicine or unrestricted practice would constitute an immediate danger to the public.

IT IS FURTHER ORDERED, that a copy of this Order shall be sent by registered mail or personally served upon Jacqueline Geneva Curtis, M.D., and should be effective immediately upon receipt thereof.

ORDERED, this the 6th day of November, 2019.

MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE



Kenneth E. Cleveland, M.D.
Executive Director

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

JACQUELINE GENEVA CURTIS, M.D.

DETERMINATION OF NEED FOR TEMPORARY SUSPENSION

WHEREAS, the Mississippi State Board of Medical Licensure, hereinafter referred to as the "Board," has determined it has in its possession, evidence that the continued practice, or unrestricted of medicine by JACQUELINE GENEVA CURTIS, M.D., hereinafter referred to as "Licensee," would constitute an immediate danger to the public. Said facts in support of this Determination are set forth by the Affidavit of Michael B. Smith, Agent for the Board, attached hereto as Exhibit "A" and incorporated herein by reference;

WHEREAS, it is the duty of the Mississippi State Board of Medical Licensure to protect the public, and to especially do so in cases that demonstrate immediate harm may be imminent or ongoing;

NOW, THEREFORE, IT IS HEREBY ORDERED, that temporary disciplinary action should be taken, without a hearing, suspending Licensee from the practice of medicine, provided that proceedings for a hearing before the Board are initiated simultaneously with said temporary action pursuant to authority granted in Miss. Code Ann., §73-25-89 (1972).

IT IS FURTHER ORDERED, that a copy of this Determination shall be sent by registered mail or personally served upon Jacqueline Geneva Curtis, M.D., and should be effective immediately upon receipt thereof.

ORDERED, this the 6th day of November, 2019.

MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE



Kenneth E. Cleveland, M.D.
Executive Director