

**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**  
**IN THE MATTER OF PHYSICIAN'S LICENSE**  
**OF**  
**TIMOTHY EVANS WHITTLE, M.D.**

**SUMMONS**

**TO: TIMOTHY EVANS WHITTLE, M.D.**  
**229 South Division Street**  
**West Point, MS 39773**

**LICENSE NUMBER 11439**

**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, at the Board's next meeting which will be set at a date to be determined once the COVID-19 pandemic has passed, 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 engaging in the practice of medicine in direct violation of an agreement with the Board; are guilty of having action taken by a licensed hospital; 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 Subsection (8)(d) and (13) of § 73-25-29, and § 73-25-83(a) and (c), 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](http://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 10<sup>th</sup> day of April, 2020.



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

I, Leslie Ross, Director of Investigations of the Mississippi State Board of Medical Licensure, did personally serve an original copy of this Summons and Affidavit to Mrs. Michelle Whittle, on behalf of Licensee on the 10th day of April 2020 11:33 am.



Leslie Ross  
Director of Investigations

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

**OF**

**TIMOTHY EVANS WHITTLE, M.D.**

**AFFIDAVIT**

**STATE OF MISSISSIPPI**

**COUNTY OF HINDS**

I, Leslie Ross, Director of Investigations, Mississippi State Board of Medical Licensure, do hereby make oath that I have reason to believe and do believe:

1. That Timothy Evans Whittle, M.D., hereinafter referred to as "Licensee," was licensed to practice medicine in the State of Mississippi on July 01, 1987, by issuance of Mississippi Medical License Number 11439, said license is current through June 30, 2020.
2. That Licensee, who is 59 years old, lists his primary specialty as Obstetrics and Gynecology. He reported that he is Board certified and is in solo practice at West Point OB/GYN, 116 Medical Center Drive, West Point, Mississippi.

**PRIOR HISTORY**

3. That on March 18, 2002, Licensee was admitted to the Professional Renewal Center and successfully completed treatment on May 10, 2002, after being evaluated for mental illness and professional sexual misconduct. On December 9, 2002, Licensee executed and entered into a Consent Order with the Board for acts of unprofessional conduct, specifically professional sexual misconduct. Said

Order, which was accepted and approved by the Board on January 15, 2003, prohibited Licensee from practicing medicine for at least one (1) year.

4. That on March 19, 2003, Licensee appeared before the Board and was authorized to return to the practice of medicine. Although authorized to return to the practice of medicine, Licensee's medical license was placed on probation for an indefinite period of time, subject to all restrictions imposed by a certain Re-Entry Practice Plan that was presented to and approved by the Mississippi Recovering Physicians Program (now the Mississippi Physician Health Program).
5. That on July 11, 2007, Licensee again appeared before the Board seeking to have the remaining restrictions lifted. The Board granted Licensee's request and Licensee was given an unrestricted license.

#### **CURRENT INVESTIGATION**

6. That on June 20, 2019, the Board received information from an anonymous healthcare professional alleging that Licensee had engaged in professional sexual misconduct with a colleague, who had previously been a patient, and possibly with other colleagues while working at Clay County Medical Center in West Point, Mississippi.
7. That an investigation was conducted and revealed that Licensee had been romantically involved in 2009 and again on an intermittent basis from 2011-2013 with a colleague, who was Licensee's patient (Patient #1). Patient #1 estimates that she became a patient of his in April 2009. Her first documented visit with Licensee was on January 20, 2009. The last clinic note for Patient #1 occurred on February 16, 2018, wherein Licensee electronically documents and authorizes a

prescription for Medrol 4mg for Patient #1. Further, Affiant interviewed Patient #1 who admitted to a sexual relationship with Licensee. Patient #1 also provided Affiant with a signed/ notarized statement attesting to the fact that she was a patient of Licensee's and that she had been sexually involved with Licensee.

8. That on January 14, 2020, Licensee presented to the Board's office for a scheduled meeting with Board Executive Director, Kenneth E. Cleveland, M.D., to discuss the current investigation. Affiant, who was also present for the meeting, addressed the allegations and current investigative matter with Licensee, to which he acknowledged having had a sexual relationship with Patient #1. In addition to the above, Licensee was advised that the Board was aware that numerous cases of his were being reviewed by the hospital administration of NMMC-Tupelo due to an excessive number of adverse outcomes, particularly bowel injuries during gynecological surgeries, and the fact that Licensee was well-known for performing C-sections and cerclages well in excess of the national norm.

9. That as a result of the meeting with Dr. Cleveland, Licensee voluntarily agreed to enter into an informal, non-public, non-disciplinary agreement with the Board. Said agreement was titled "**Agreement Not To Practice**", hereinafter "Agreement", and was signed by Licensee on January 16, 2020. The Agreement states in part:

1. *I will not practice medicine in any manner, either directly or indirectly, including, but not limited to, prescribing, administering, or dispensing of any medication, controlled or non-controlled, until such time as I have obtained written approval from the Board.*
2. *I will not treat, or attempt to treat, staff, family members or myself.*

A copy of said Agreement is attached and incorporated herein by reference.

10. By virtue of signing said Agreement, Licensee agreed to the enumerated conditions noted above as well as others, including his willingness to seek specific evaluations, inclusive of a comprehensive multi-disciplinary psychosexual evaluation and a clinical skills assessment. Stated differently, Licensee agreed not to practice medicine in any manner until such time as he obtained the requested assessments, was deemed fit to practice and received written approval from the Board to return to the practice of medicine.
11. That to maintain continuity of patient care, said Agreement allowed Licensee thirty (30) days to wind down his practice and refer patients to other providers. It is Affiant's belief that Licensee stepped away from the practice of medicine on or about February 12, 2020.
12. That on or about March 2, 2020, Licensee presented to Acumen Institute for the requested comprehensive multi-disciplinary psychosexual evaluation. The Board has yet to receive the final report from Acumen, but Acumen did release a preliminary report stating that Licensee is fit to continue practicing medicine provided that he follows specific recommendations, which included: (i) Licensee completing a workshop course on professional boundaries and/ or professionalism in the workplace and that this course offer a longitudinal follow-up component; (ii) Licensee undergoing a process of individual psychotherapy in order to identify strategies for managing stress and communicating his needs; learning to discuss uncomfortable topics with his wife; and addressing the remnants of childhood trauma; and (iii) Licensee practicing at all times in full accordance with relevant federal, state, local, organizational and professional regulations, ethical guidelines

and best practices. In the event Licensee is unable to adhere to these requirements, he should immediately disengage himself from medical practice/training until such time as a reassessment deems him ready to resume practice.

13. That the Board had yet to authorize Licensee to return to the practice of medicine and on April 3, 2020, Affiant received notification from a Pharmacy Board Compliance Agent advising that Licensee may have recently authorized prescriptions by calling a pharmacy in West Point, ordering medications for a several patients and instructing the pharmacist to attribute the phoned in prescriptions to an Advanced Practice Registered Nurse (APRN).

14. That on April 6, 2020, Affiant received a call from a pharmacist in West Point. Also present for this call was the APRN who was identified as having been the individual to whom the prescriptions were attributed. Affiant was told that the APRN periodically runs a Prescription Monitoring Program (PMP) report to verify prescriptions s/he authorized. The APRN advised that the recently run PMP report reflected prescriptions that the APRN knew for certain s/he did not authorize. The APRN began investigating the unauthorized prescriptions, and after speaking with the pharmacist, the APRN learned that the Licensee had phoned in a total of five (5) prescriptions beginning on March 17, 2020 and commencing on April 1, 2020, while instructing the pharmacist to dispense the prescriptions under the APRN's name.

15. That the pharmacist told Affiant that s/he spoke directly with Licensee who instructed the pharmacist to dispense the prescriptions under the APRN's name. The pharmacist further stated that the pharmacy's caller ID system identified

Licensee as having placed the calls from his office phone as well as his personal cell phone.

16. Further, the APRN advised that among the prescriptions in question was a prescription for Claritin-D that s/he declined to authorize for a specific patient, but later discovered that Licensee had phoned in the prescription for this patient and, again, instructed the pharmacist to fill it under the APRN's name.
17. That after receiving documentation from the pharmacist in reference to the prescriptions, Affiant learned that two (2) of the five (5) prescriptions were for Licensee's wife. This was/ is in direct violation of conditions #1 and #2 in the Agreement Licensee entered into with the Board.

#### **COUNT I**

Based upon the foregoing, Licensee is guilty of violating a provision of the Medical Practice Act or the rules and regulations of the Board or of any order, stipulation or agreement with the Board, by virtue of phoning in prescriptions and engaging in the practice of medicine, all in violation of Miss. Code Ann., § 73-25-29(13).

#### **COUNT II**

Based on the foregoing, Licensee is guilty of unprofessional conduct, including 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).

18. That on January 3, 2020, the Board received notification and correspondence from NMMC-Tupelo that Licensee's application for reappointment of clinical privileges had been denied and that his present appointment expired on December 31, 2019. Said correspondence also set forth the specific reasons for the denial of reappointment, which included consistent delinquency in completion of medical



records and substandard documentation; an excessive number of surgical complications, particularly bowel injuries during gynecological surgeries; a C-section rate (50%) that exceeds the national norm (25%); questionable, clinical judgement observed during Focused Professional Practice Evaluation (FPPE); and the ongoing investigation by this Board.

**COUNT III**

Based on the foregoing, Licensee is guilty of having action taken by a licensed hospital wherein said hospital declined to reappoint or renew Licensee's hospital privileges, all in violation of Miss. Code Ann., § 73-25-83(c).

*Leslie Ross*

**Leslie Ross, Director of Investigations  
Mississippi State Board of Medical Licensure**

Sworn to and subscribed before me, this the 10<sup>th</sup> day of April, 2020.

*Frances E. Carrillo*

**Notary Public**

