

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

JOHN BENUS, D.P.M.

CONSENT ORDER

WHEREAS, JOHN BENUS, D.P.M., hereinafter referred to as "Licensee," is the current holder of Mississippi Medical License No. 80030, said license number expires on June 30, 2021;

WHEREAS, the Investigative Staff of the Mississippi State Board of Medical Licensure, hereinafter referred to as the "Board," has conducted an investigation of Licensee and has in its possession evidence which, if produced during the course of an evidentiary hearing, would show that Licensee has administered, prescribed or dispensed controlled substances otherwise than in the course of legitimate professional practice by the use of pre-signed prescriptions; has failed to maintain proper and complete medical records as they relate to chronic and non-chronic pain; has failed to complete the requisite five (5) hours of Continuing Medical Education (CME) for the 2016-2018 cycle related to the prescribing of medication with an emphasis on controlled substances, while attesting he had on his 2019 licensure renewal; 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 in the course of a full evidentiary hearing, constitutes violations of the Mississippi Medical Practice Act, specifically, Subsections (3), (8)(d) and (f), and (13) of § 73-25-29 and §73-25-83(a), Miss. Code Ann., 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;

NOW, THEREFORE, the Mississippi State Board of Medical Licensure, with consent of Licensee as signified by his joinder herein, does hereby suspend Licensee's medical license for a period of at least one (1) year beginning October 31, 2020, subject to the following terms and conditions:

- 1. Licensee shall, within one (1) year of the date of acceptance of this order, successfully complete Board approved Continuing Medical Education (CME) in the areas of (i) Medical Ethics, (ii) Prescribing of Controlled Substances, and (iii) Medical Record Keeping, said courses to be selected from the list of Board approved courses attached hereto as Exhibit "A". Licensee shall provide the Board's Clinical Director of Physician Compliance with proof of attendance, participation, and successful completion in each aspect of the courses required herein. Any credit received for such CME shall be in addition to the usual forty (40) hours of Category I credits required by Board regulation. Subject to Covid-19 restrictions, Licensee shall wherever possible take all CME on-site. Exceptions may be granted by the Board's executive director, thus permitting on-line CME or by other means.**
- 2. Upon expiration of one (1) year from the date of approval of this Consent Order, Licensee shall have the right, but not the obligation, to petition the Board for reinstatement of his podiatric medical license. When considering any request for return to practice, the Board shall take it to consideration completion of the aforementioned CME, Licensee's practice plan and whether or not controlled substance privileges should be considered. Notwithstanding, the Board reserves the right in its sole and absolute discretion to place whatever restrictions deemed necessary to protect the public**
- 3. Licensee shall obey all federal, state and local laws, and all rules and regulations governing the practice of medicine. Any further violations shall result in further action, up to and including revocation.**

4. Licensee shall reimburse the Board for all costs incurred in relation to the pending matter pursuant to Miss. Code Ann., § 73-25-30. 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.
5. Licensee shall report in writing to the Board within ten (10) days of any change in his practice location and/or change in employment.
6. Licensee hereby agrees to provide any and all reports or records to the Executive Director, the Investigative Staff of the Board, and/or any member of the Board, that are the subject of a written request to Licensee. Such records or reports shall be provided within seven (7) business days of Licensee's receipt of said written request.

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 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 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 any other agency, insurance carrier, panel, board 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, JOHN BENUS D.P.M., 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 suspending his medical license, subject to those terms and conditions listed above.

EXECUTED AND EFFECTIVE, this the _____ day of October, 2020.



JOHN BENUS D.P.M.

ACCEPTED AND APPROVED, this the 18th day of November, 2020, by the Mississippi State Board of Medical Licensure.



Jeanne Ann Rea, M.D.
President