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

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**IN THE MATTER OF THE LICENSE OF:**

**JOSEPH ALAN JACKSON, M.D.**

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**DETERMINATION AND ORDER**

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The above-titled matter came before the Mississippi State Board of Medical Licensure (hereinafter "Board") in Jackson, Hinds County, Mississippi, on November 19, 2020, pursuant to a Summons and Amended Affidavit issued to Joseph Alan Jackson, M.D. A quorum of Board members was present throughout the hearing and deliberation in the matter.

Board Counsel Stan Ingram, Esq., presented the charges as set forth in the Amended Affidavit. Licensee, having been served with the Summons and being fully informed of his rights to a formal hearing before the Board, was represented by Michael Crosby, Esq. The matter was called to hearing without objection from either party.

Alexis Morris, Esq., Special Assistant Attorney General, who served as Administrative Hearing Officer, presided at the hearing and was directed to prepare the Board's written decision in accordance with its deliberations.

And now, upon consideration of all the material produced in the record before the Board, along with the testimony presented at the hearing, the Board makes the following Findings of Fact, Conclusions of Law and Order based on clear and convincing evidence:

## FINDINGS OF FACT

1. The Board is established pursuant to the Mississippi State Board Medical Licensure Act, Title 73, Chapter 43 of the Mississippi Code of 1972 as amended, and is charged with the duty of licensing and regulating the practice of medicine in the State of Mississippi pursuant to Title 73, Chapter 25 of the Mississippi Code of 1972 as amended
2. Sections 73-25-29, 73-25-83 and 73-25-87 of the Mississippi Code Annotated (1972) as amended provide that the Board may revoke or suspend a license or take any other actions as deemed necessary if a license has violated any provisions therein.
3. That Joseph Alan Jackson, M.D., hereinafter referred to as "Licensee," was licensed to practice medicine in the State of Mississippi on June 15, 1979, by issuance of Mississippi Medical License Number 08636, said license is current through June 30, 2021.
4. That on or about June 3, 2019, Investigators from the Coastal Drug Enforcement Administration Task Force (DEA TF) interviewed a Confidential Informant (CI) who provided information that led them to believe that Licensee was prescribing outside of the usual scope of professional practice.
5. At all times pertinent to the charges as filed herein, Licensee engaged in a romantic/sexual relationship with Patient TL. Such conduct occurred at a time when Licensee was treating Patient TL, including prescribing controlled substances having addiction-forming or addiction-sustaining liability. Other boundary violations include:
  - A. Providing money to bail Patient TL out of jail.
  - B. Providing money and/or his credit card to said patient.
  - C. Providing said patient with Licensee's email addresses, phone number, and photo of Florida driver's license.
6. Contact with the Prescription Monitoring Program as maintained by the Mississippi Pharmacy Board reveals that from October 2017 through July 2019, Licensee issued to Patient TL 36 prescriptions for various forms of controlled substances, including but not limited to Suboxone, Ultram, Percocet, Oxycodone, Adderall, Klonopin and Testosterone. Licensee treated Patient TL for addiction to opioids using Suboxone, yet also prescribed opioids.
7. Between April 6, 2018 – June 06, 2019, Licensee issued to Patient TL approximately 12 prescriptions for Testosterone or Depo-Testosterone, along with non-controlled medications of similar purpose such as Arimidex, Human Chorionic Gonadotropin (HCG), Clomiphene, and Oxandrolone, all based on a

diagnosis of low testosterone, with no discussion or entry as to why they are being prescribed and all without the benefit of laboratory or diagnostic results being entered in the chart.

8. Between April 6, 2018 – June 06, 2019, Licensee issued to Patient TL approximately eight (8) prescriptions for various quantities of Adderall, a form of amphetamine, based on an entered diagnosis of Attention Deficit Disorder (F90.0). However, the patient record reveals no collateral records, diagnostic testing or examinations to support the diagnosis of Attention Deficit Disorder. The sole justification or basis for the diagnosis was an entry of January 17, 2018 stating “SINCE RESTARTING SUBOXONE FOR PAIN HE IS HAVING MORE PROBLEMS WITH ADHD HE SUFFERED FROM AS AN ADOLESCENT. WOULD LIKE TO RESTART.” The prescription issued to Patient TL permitted the patient to concomitantly use the stimulant Adderall along with Buprenorphine or Tramadol.
9. A review of the patient file reveals that Licensee often allowed Patient TL to dictate the controlled substance he wanted. For example, at the request of the patient, on August 14, 2018, Licensee knowingly issued a prescription ten (10) days early for an increased dosage of Adderall, despite the fact that Licensee had warning Patient TL to cut back on his use of the drug. During the hearing, Licensee acknowledged that he failed to exercise proper discretion and objectivity as to same.
10. Despite maintaining an extensive electronic medical record for Patient TL, said records revealed on one entry documenting the patient’s vitals. Additionally, the electronic medical record contained no entries evidencing that Licensee:
  - documented a plan of care or treatment plan (i.e. physical therapy, injections) outside of prescribing controlled substances.
  - performed any diagnostic or radiological tests, or if performed, the results were not placed or documented in this file.
  - referred Patient TL to other providers for consultation, and if such referrals were made, they were not documented in the chart.
11. At all times pertinent to the charges as filed herein, Licensee operated a Pain Management Medical Practice, holding a duly issued certificate of registration from the Board. As such, effective October 28, 2018, Licensee was required to access the Mississippi Prescription Monitoring Program (PMP) at each patient encounter in which a prescription for a controlled substance is issued. A review of the medical record for Patient TL reveals that Licensee failed on multiple occasions to access the PMP, all in violation of Part 2640, Chapter 1, Rule 1.3 and Rule 1.14, of the Rules and Regulations of the Board *Pertaining to the Prescribing, Administering and Dispensing Medications*.

12. During the period of time in which Licensee treated Patient TL, that is, October, 2017 through July, 2019, Licensee failed to document or enter into the patient eight (8) prescriptions for controlled substances as required by Part 2640, Chapter 1, Rule 1.4, of the Rules and Regulations of the Board *Pertaining to the Prescribing, Administering and Dispensing Medications*.
13. During the hearing, Licensee openly acknowledged his guilt of Professional Sexual Misconduct (PSM), that is, having a romantic or sexual relationship with a patient. Licensee also acknowledged that such conduct is harmful to the patient and jeopardizes the physician objectivity needed to properly treat the patient.
14. The Board also heard testimony from Randall Sherman, MD, called without objection as an expert witness in the area Addiction Medicine. It was the opinion of Dr. Sherman that Licensee's treatment of Patient TL was inappropriate and reflected lack of objectivity.

#### CONCLUSIONS OF LAW

1. The Board has jurisdiction in this matter pursuant to Sections 73-25-29, and 73-25-83(a), Mississippi Code of 1972, as amended. Venue is likewise properly placed before the Board to hear this matter in Hinds County, Mississippi.
2. These proceedings were duly and properly convened, and all substantive and procedural requirements under law have been satisfied. This matter is, therefore, properly before the Board.
3. The Board is authorized to license and regulate persons who apply for or hold medical licenses and prescribe conditions under which persons may practice in order to protect the public health, safety and welfare.
4. Based on the evidence and testimony presented, Licensee is guilty of **Count I** of the Affidavit, that is, guilty of unprofessional conduct, which includes, but is not limited to being guilty of any dishonorable or unethical conduct likely to deceive, defraud, or harm the public by virtue of his fostering a romantic and business relationship with a patient, all in violation of Miss. Code Ann., §73-25-29(8)(d) and §73-25-83(a).
5. Based on the evidence and testimony presented, Licensee is guilty of **Count II** of the Affidavit, that is, guilty of administering, dispensing or prescribing 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. Based on the evidence and testimony presented, Licensee is not guilty of **Count III** of the Affidavit.
7. Based on the evidence and testimony presented, Licensee is guilty of **Count IV** of the Affidavit, that is, Licensee is in violation of the Rules and Regulations of the Board, "Pertaining to Prescribing, Administering and Dispensing of Medication", Part 2640, Rule 1.3 and Rule 1.14, as a result of Licensee's failure to query the Mississippi Prescription Monitoring Program when required, and thereafter document the results of said query in the medical record all in violation of Miss. Code Ann., § 73-25-29(13).
8. Based on the evidence and testimony presented, Licensee is guilty of **Count V** of the Affidavit, that is, Licensee is in violation of the Rules and Regulations of the Board, "Pertaining to Prescribing, Administering and Dispensing of Medication", Part 2640, Rule 1.4 *Patient Record*, as a result of Licensee's failure to document in the medical record the issuance of all prescriptions for controlled substances, including the name, dose, strength and quantity of the drug prescribed, all in violation of Miss. Code Ann., § 73-25-29(13).

Based upon the above Findings of Fact and Conclusions of Law, the Board finds the following order to be appropriate under the circumstances.

#### ORDER

**IT IS THEREFORE ORDERED THAT** Mississippi Medical license No. 08636, issued to Joseph Alan Jackson, M. D., is hereby suspended for a period of at least one (1) year.

**IT IS FURTHER ORDERED** that during the aforementioned one (1) year suspension, Licensee shall enter and complete a comprehensive psychosexual evaluation at a facility approved by the Board. The Board shall provide Licensee with a list of Board approved facilities. Licensee shall execute any and all releases so as to permit the Board to communicate with the treatment facility and receive directly from the facility any and all evaluation results. Licensee shall adhere to any and all treatment recommendations rendered by the evaluation facility.

**IT IS FURTHER ORDERED** that during the aforementioned one (1) year suspension, Licensee shall enter and successfully complete a comprehensive clinical

competency evaluation at a facility approved by the Board. The Board shall provide Licensee with a list of Board approved facilities. Licensee shall execute any and all releases so as to permit the Board to communicate with the treatment facility and receive directly from the facility any and all evaluation results. Licensee shall adhere to any and all treatment recommendations rendered by the evaluation facility.

**IT IS FURTHER ORDERED** that upon expiration of the aforementioned one (1) year suspension, and provided Licensee has completed the evaluations and any recommended follow-up therapies and educational requirements, Licensee shall have the right, but not the obligation, to petition the Board for reinstatement and return to practice. At such time Licensee shall present the Board with a plan of practice. Notwithstanding, the Board reserves a right in its sole and absolute discretion to impose any other restriction deemed necessary to protect the public.

**IT IS FURTHER ORDERED** that Licensee shall reimburse Board for all costs incurred in relation to the pending matter pursuant to Miss. Code Ann. Section 73-25-30. Licensee shall be advised of the total assessment, not to exceed \$10,000, by written notification, and shall tender to the Board a certified check or money order within forty (40) days after the date the assessment is mailed to Licensee via US mail to Licensee's current mailing address.

**IT IS FURTHER ORDERED** that Licensee shall cooperate with the Board, its attorneys, investigators, and other representatives in the investigation and monitoring of Licensee's practice and compliance with the provisions of this Determination and Order.

**IT IS FURTHER ORDERED** that if Licensee violates the terms of this Determination and Order or further violates the laws, rules and regulations governing the practice of medicine, the Board may take further disciplinary action against Licensee, up to and including revocation of his license.

**IT IS FURTHER ORDERED** that this Determination and Order shall be public record. It may be shared with other licensing boards (in and out of state), and the public, and may be reported to the appropriate entities as required or authorized by state and/or federal law or guidelines. This action shall be spread upon the Minutes of the Board as its official act and deed.

**SO ORDERED** this, the 19<sup>th</sup> day of November 2020.

**MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**

BY: William D. McClendon M.D. FACP  
**WILLIAM D. MCCLENDON, M.D., VICE PRESIDENT**