
BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE LICENSE OF:

FRANK COLVIN WADE, M.D.

DETERMINATION AND ORDER

The above-titled matter came before the Mississippi State Board of Medical Licensure (hereinafter “Board”) in Jackson, Hinds County, Mississippi, on March 24, 2021, pursuant to a Summons and Amended Affidavit issued to Frank Colvin Wade, 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 Affidavit as filed herein. Licensee, having been served with the Summons and being fully informed of his rights to a formal hearing before the Board, was represented by John Wade, 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. All parties have been properly noticed of the matter now pending.
4. Frank Colvin Wade, M.D., hereby referred to as “Licensee,” currently holds Mississippi Medical License Number 10798, and said number is valid until June 30, 2021.
5. Licensee lists his primary practice location as 360 Simpson Highway 149, Suite 370, Magee, Mississippi. Licensee lists his specialty as Family Practice. Licensure records show Licensee as being sixty-two (62) years of age. Exhibit No 2.
6. On June 12, 2020, the Mississippi State Board of Medical Licensure, hereinafter referred to as the “Board,” received information from a healthcare practitioner who wished to report general concerns of alleged professional sexual misconduct between Licensee and a particular patient, Cindy McIntyre, hereinafter referred to as “Patient.”
7. Pursuant to subpoenas duly issued, Exhibit No. 3, Board Investigative Staff obtained medical records from several medical practices, including Licensee’s former and current practice locations. According to the records obtained and introduced as evidence, Exhibits Nos. 4 and 5, Licensee has been a treating physician of the Patient since 2008. Therefore, there has been a long-term doctor-patient relationship between the respective parties. The Board also notes that the Patient has been a nurse employee of Magee General Hospital, where both Patient and Licensee have worked together for many years.
8. Beginning in the Summer of 2017, Licensee and the Patient began a romantic/sexual relationship. Sexual encounters during the doctor-patient relationship occurred at Licensee’s clinic, the hospital and at a residence. The relationship continued off-and-on for several years and, as described by Licensee, became serious in 2020.
9. Despite the sexual relationship, Licensee continued to treat the Patient, including the issuance of multiple prescriptions of medications, many of which were controlled substances. Exhibit No. 6. Of the approximate forty-five (45) prescriptions issued to Patient since 2017, almost seventy percent (70%) were not entered into the patient record, indicating that Licensee failed to properly manage the patient, all in violation of Title 30, Part 2640, *Rule 1.4 Maintenance of Records and Inventories* of the Board’s Administrative Code, all in violation of Miss. Code Ann., §73-25-29(13). During the hearing, Licensee acknowledged that professional sexual misconduct with a patient impairs the objectivity which a physician needs to properly treat patients.
10. Licensee did not terminate the doctor-patient relationship until August 2020, after he knew that a complaint had been filed and the Board was then investigating him for professional sexual misconduct. Despite terminating the doctor-patient relationship, Licensee, via his own admission, acknowledged that he did not follow the proper procedures for termination

(e.g., send her a termination letter, place a termination letter in her file, etc.). In this regard, the Board notes that the romantic relationship between the parties continues and the Patient testified at the hearing on Licensee's behalf.

11. On October 6, 2020, the Board investigative staff interviewed Licensee concerning the investigation into professional sexual misconduct. Exhibit No. 7. During the interview, licensee did not dispute the romantic relationship with the Patient. Furthermore, Licensee agreed to take prompt steps to submit to a comprehensive psychosexual evaluation at a facility approved by the Mississippi Physicians Health Program (MPHP). Despite the passage of five (5) months, at the time of the hearing, Licensee had still failed to submit to the comprehensive evaluation, citing family illness and other family matters. The Board finds that Licensee failed to comprehend the seriousness of the allegations and investigation, further suggesting little if any insight into professional sexual misconduct.
12. According to Section 9.1.1 of the *Code of Medical Ethics* of the American Medical Association, romantic or sexual interactions between physicians and patients that occur concurrently with the patient-physician relationship are unethical. A physician must terminate the patient/ physician relationship before initiating a romantic or sexual relationship with a patient. Likewise, sexual or romantic relationships between a physician and a former patient may be unduly influenced by the previous patient/ physician relationship. Sexual or romantic relationships with former patients are unethical if the physician uses or exploits trust, knowledge, emotions, or influence derived from the previous professional relationship, or if a romantic relationship would otherwise foreseeably harm the individual. Exhibit No. 9.

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 Licensee having sex with a patient at a time when there was either

a concurrent patient/ physician relationship, or by exploiting trust, knowledge, emotions or influence derived from a previous professional relationship (patient/ physician), 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 failing to maintain patient records for controlled substances prescribed, as required in Title 30, Part 2640, *Rule 1.4 Maintenance of Records and Inventories* of the Board's Administrative Code, 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. 10798, issued to Frank Colvin Wade, M. D., is hereby suspended.

IT IS FURTHER ORDERED that upon expiration of no-less than four (4) months from the date of this order, Licensee shall have the right, but not the obligation, to petition the Board for reinstatement and return to practice, provided that prior to such petition, Licensee shall have successfully completed a comprehensive a psychosexual psychiatric evaluation at an evaluation facility chosen by Licensee from a list of Board approved facilities. Licensee shall execute any and all releases so as to permit the Board to communicate with the evaluation facility and receive directly from the facility any and all evaluation results. Licensee shall adhere to all treatment and or training recommendations rendered by the aforementioned evaluation facility. The Board shall be under no obligation to consider licensure reinstatement until such time as it has received the final written report of evaluation.

IT IS FURTHER ORDERED that in addition to the psychosexual psychiatric evaluation as required above, Licensee shall also complete Board approved Continuing Medical Education courses (CME) in the areas of (i) record keeping, (ii) boundaries and (iii) ethics. After completion of each CME, Licensee shall submit to the Board documentary proof of successful completion thereof. The Board shall be under no obligation to consider licensure reinstatement until such time as it has received written proof of successful completion of each CME course.

IT IS FURTHER ORDERED that in the event Licensee chooses to petition for reinstatement of license after expiration of the aforementioned four (4) months, Licensee shall personally appear before the Board and present a plan of practice, consistent with the findings and recommendations of the aforementioned evaluation facility. Notwithstanding, the Board reserves the 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 24th day of March, 2021.

MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

BY:



Jeanne Ann Rea, M.D., President