
BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE MEDICAL LICENSE OF:

REGINALD DAVID RIGSBY, M.D. (NO. 10623)

DETERMINATION AND ORDER

The above-titled matter came before the Mississippi State Board of Medical Licensure (“Board”) in Jackson, Hinds County Mississippi, on December 8, 2022. The Board received a complaint in October 2022 against Reginald David Rigsby, M.D. (“Licensee”) and on November 28, 2022, immediately and temporarily suspended his license to practice medicine pending the outcome of a hearing in accordance with Miss. Code Ann. § 73-25-89. Board members present for the December 8, 2022 proceedings were David McClendon, M.D, President; Ken Lippincott, M.D.; Kirk Kinard, D.O.; Thomas Joiner, M.D., Allen Gersh, M.D.; William Eugene Loper, M.D.; and Renia R. Dotson, M.D. Board member Ken Lippincott, M.D. appeared remotely. Board member Thomas Joyner, M.D. recused and did not participate in deliberation. Accordingly, a quorum of Board members was present throughout the hearing and deliberation.

Board Counsel Paul Barnes, Esq., presented the charges as set forth in the Affidavit as filed herein. Also present was Complaint Co-Counsel Honorable Stan T. Ingram. Licensee, having been served with the Summons and being fully informed of his rights to a formal hearing before the Board, was represented by Felecia Perkins, Esq. The matter was called to hearing without objection by either party.

Alexis E. Morris, Special Assistant Attorney General, served as Administrative Hearing Officer, presided at the hearing and was directed to prepare the Board’s written decision in accordance with their 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 of 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 Ann. (1972) as amended provide that the Board may revoke or suspend a license or take any other actions as deemed necessary if a licensee has violated any provisions therein.
3. All parties were properly noticed of the matter now pending before the Board.
4. Licensee currently holds a suspended license, Mississippi Medical License Number 10623. Said license was valid until June 30, 2023.
5. Licensee lists his primary practice location as 1082 Gluckstadt Road, Madison, MS 39110. Licensee lists his specialty practice as Family Practice. Licensure records indicate that Licensee is approximately sixty-four (64) years old.
6. On May 11, 1995, Licensee signed a Consent Order resulting in the indefinite suspension of his medical license. The Consent Order stated that the Board had evidence indicating that Licensee had sexual contact with patients while maintaining a therapeutic doctor/patient relationship. The Consent Order required Licensee to be evaluated for sexual misconduct and, if needed, undergo treatment.
7. In March 1997, after undergoing a comprehensive evaluation and treatment for sexual misconduct, Licensee petitioned for reinstatement of his medical license. Following a hearing, the Board entered an order permitting Licensee to return to practice under certain restrictions. Licensee was required to continue treatment for psychosexual issues and restricted from solo practice. Licensee was also prohibited from

seeing any patients after hours or outside of the Supervising Clinic. Licensee was also ordered to be chaperoned by an employee of the Supervising Clinic whenever he conducted an examination of either female or male patients.

8. In September 1998, Licensee petitioned the Board seeking removal of restrictions on his license; however, the Board Order granted Licensee the authority to handle certain controlled substances and to obtain privileges at a specific hospital. All other terms and conditions in the March 1997 order were to remain in full force and effect.
9. In November 1999, Licensee petitioned for the removal of all remaining restrictions on his license. The Board issued an Order removing all restrictions but recommended that Licensee continue periodic therapy.
10. In October 2022, the Board received a complaint from a Licensed Clinical Social Worker (LCSW) who was treating one of Licensee's patients (Patient A).¹ The LCSW complained that Licensee had hugged and kissed Patient A. The complaint also alleged that Licensee had traveled to Patient A's home.
11. In November 2022, the Board had an expert, Scott Hambleton, M.D., review all relevant materials in this matter to provide an opinion whether Licensee's continued practice constituted an immediate threat to public safety. The Board received Dr. Hambleton's expert report on November 25, 2022. On November 28, 2022, Licensee's license to practice medicine was immediately and temporarily suspended without hearing pursuant to Miss. Code Ann. § 73-25-89. In accordance with statutory requirements, proceedings for a hearing before the Board were initiated simultaneously with the temporary suspension. On November 28, 2022, Licensee was served with a summons requiring him to appear for a hearing on December 8, 2022, within the mandatory 15-day period required by statute.

¹In this order, the victim is referred to as Patient A; however, victim was identified and testified in person at the hearing. All documentary evidence or testimony that might disclose Patient A's identity was redacted, filed, and or accepted under seal, and was not made public. All documentary evidence or testimony that might disclose confidential patient information of either Patient A or Licensee was redacted, filed, or accepted under seal, and was not made public.

12. Licensee was charged with unprofessional misconduct, which includes, but is not limited to, 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 because of which Licensee's continued practice of medicine represented an unequivocal threat to public safety.

DECEMBER 8, 2022 HEARING

13. The following Board Exhibits entered as evidence at the hearing:
 - a. Summons, determination of need for Temporary Suspension, Order of Immediate Temporary Suspension Without Hearing, Affidavit (MSB 000001 – 13)
 - i. 1995 Consent order (MSB 000014 – 18)
 - ii. 1997 Order (MSB 000019 – 30)
 - iii. 1998 Order (MSB 000031 – 33)
 - iv. 1999 Order Removing Restrictions (MSB 000034 – 35)
 - v. Scott Hambleton, M.D.'s Expert Report dated November 25, 2022 (MSB 000036 – 44)
 - b. Complaint (MSB 000045 – 47)
 - i. Records from Licensee's previous evaluations and treatment (1995-1999) (MSB 000050 – 200)
 - ii. 1995 Consent Order (MSB 000201 – 205), 1997 Order (MSB 000206 – 217), 1998 Order (MSB 000218 – 220), 1999 Order (MSB 000221 – 222).
 - c. Prescriptions and Wheeler Drug Store Printout (MSB 000223 – 227)
 - d. Text messages (MSB 000228 – 251)
 - e. Complaint (MSB 000252 – 256)
 - f. AMA Code of Medical Ethics – 9.1.1 Romantic or Sexual Relationships with Patients (MSB 000257)
 - g. FSMB Statement as to Physician Sexual Misconduct (MSB 000258 – 288)
 - h. Statement of Investigations Superior, Michael B. Smith (MSB 000289)
 - i. Scott Hambleton's Curriculum Vitae (MSB 000290 – 307)
 - j. Chronological Summary (MSB 000308 – 309)
 - k. Summary of Supporting Documentation prepared by Leah Polk, L.C.S.W. (MSB 000310 - 315)
 - l. Recommendation letters for Licensee from co-workers (MSB 000316 – 317)
 - m. Patient A's Medical Records (MSB 000318 – 393)

14. The following Exhibits were entered as evidence on behalf of Licensee:
 - a. Text Messages between Patient A and Licensee – R1
 - b. Text Messages between Patient A’s wife and Licensee – R2
 - c. Text Messages between Patient A and Licensee – R3
 - d. Letter of Support from Dr. R. Duggan – R4
 - e. Letter of Support from Dr. J. Johnston – R5
 - f. Letter of Support from Dr. C. Jordan – R6
 - g. Text Messages between Patient A and Licensee – R7
 - h. Text Messages between Patient A and Licensee – R8
 - i. Curriculum Vitae of Phyllis T Hammond, LCSW – R9

TESTIMONY OF LICENSEE

15. Licensee was called as an adverse witness by Board Counsel Paul Barnes.
16. Licensee testified that he first met Patient A and his wife in June 2021 while Patient A was being treated for a heart condition at Rush Hospital. Licensee testified that he gave Patient A his work cellphone number once Patient A was discharged from the hospital.
17. Licensee testified that he believed once Patient A was discharged, Patient A was no longer under his care. So, he began to mentor Patient A. Licensee described their relationship as a “father/son” relationship. Licensee testified that he was trying to assist Patient A in securing employment because he was having financial difficulties.
18. Licensee testified that although he did not believe that Patient A was still under his care, he wrote Patient A prescriptions after Patient A was discharged from the hospital, including controlled substances. See Board Exhibit C. Licensee also provided Patient A a doctor’s note so that Patient A could miss work.
19. Licensee testified that he took Patient A and his wife to dinner, purchased Patient A a wallet, and that he also loaned Patient A money, because he wanted to help Patient A.
20. Licensee described his contact with Patient A as nothing sexual or intimate; however, Licensee testified that the physical contact shared between he and Patient A included hugging and kisses on the cheek. Licensee testified that he mentored numerous young men, and that he

did not consider his relationship with Patient A to be special or different from the relationships he had with other young, male mentees.

21. Licensee testified that he was previously told that hugging his patients was a severe boundary issue; however, he maintained that Patient A was not his patient when he began to hug and kiss him on the cheek.
22. Text messages submitted as exhibits also demonstrated that Licensee and Patient A began to say “I love you” to each other and call each other father and son.
23. Licensee also testified about an incident in which he accidentally kissed the corner of Patient A’s mouth after hugging him. However, Licensee explained that the kiss was an accident and submitted text messages that displayed his apology after the kiss. See Exhibit D (MSB 000228-251).
24. Licensee did not call an expert witness to testify on his behalf, nor did he elicit any oral or written testimony to from any expert witnesses, whether in the form of opinions or otherwise.

TESTIMONY OF LEAH POLK, LCSW

25. Leah Polk, LCSW (Licensed Clinical Social Worker) testified that she started seeing Patient A on or about October 10, 2020. See Exhibit K (MSB 000310-315).
26. Polk testified that she believed Licensee began a dual relationship (therapeutic doctor/patient and father/son) with Patient A while Patient A was under his care by referring to him as “son” in the context of a personal relationship with him.
27. Polk also testified that she believed Licensee was grooming Patient A—based on the information provided to her during her sessions with Patient A. Polk also testified that Patient A was injured by Licensee’s conduct because of his medical history and the impact of Licensee’s betrayal of the physician/patient relationship.

28. Polk filed a formal complaint with the Board, and also reported Licensee to the Public Integrity Division of the Mississippi Attorney General's Office, on or about October 31, 2022. Polk testified that she believed that Patient A was qualified as a "vulnerable adult" because of his medical history and history of past trauma, and that she had a mandatory professional obligation to report Licensee's conduct as reported to her by Patient A.

TESTIMONY OF PATIENT A

29. Patient A testified that he and his wife first met Licensee while being treated for chest pains at Rush Hospital. Patient A stated that after he was discharged, Licensee gave him a cellphone number. Patient A also stated that Licensee later sent him his personal cellphone number.
30. Patient A testified that the relationship with Licensee was initially a father/son type relationship and that he was happy to fill that void in his life.
31. Patient A testified that Licensee prescribed two medications to him after he had been discharged from the hospital and also provided a doctor's note to him for missing a day of work.
32. Patient A also described a time that Licensee came to visit him at his home and made an inappropriate comment. Patient A apologized during Licensee's visit to his home for having a messy and unkept house. Licensee responded by saying that he would love Patient A, even if he was naked.
33. Patient A testified that he began seeing Polk for treatment to deal with several issues—specifically issues involving older men and father figures. The Board reviewed Patient A's medical history. See Exhibit M (MSB 000318-393).
34. Patient A testified that Licensee started to hug him and kiss him on the cheek after a couple of times of "hanging out."
35. Patient A testified that Licensee took he and his wife to dinner for Patient A's birthday, purchased a wallet for him, loaned him money, and

helped him secure a job at a bank. Patient A testified that he believed he was “special” to Licensee.

36. Patient A testified that he needed to borrow a belt from Licensee, so he went to Licensee’s home after briefly leaving his job at the bank. Patient A stated that Licensee handed him a belt while on the phone and went in to kiss him on the cheek; however, Licensee’s cheek-kiss grazed his lip.
37. Following the exchange, Patient A sent Licensee a text message stating that he was “mildly shocked” that the cheek kiss grazed his lip and that it threw him off. See Exhibit D (MSB 000228-251).
38. Patient A testified that he began to get more and more scared to “hang out” with Licensee following the cheek kiss that grazed his lips. Patient A stated that he continued to engage with Licensee after the kiss because he was “longing for a father.”
39. Patient A also stated that Licensee would push his leg against Patient A’s groin while they hugged on multiple occasions. Patient A also stated that the hug shared between he and Licensee became longer, tighter, and more intense.
40. Patient A stated that he was afraid to report Licensee’s behavior, but he started mentioning the behavior to Polk during their therapy sessions.

TESTIMONY OF DR. SCOTT HAMBLETON

41. Dr. Scott Hambleton served as the Medical Director for the Mississippi Physician’s Health Program from 2010-2021. He currently serves as the Health Plan Medical Director for Molina Healthcare of Mississippi. Dr. Hambleton’s other qualifications, accomplishments, awards, and experience are summarized in his C.V. See Exhibit I (MSB 000290-307).
42. Dr. Hambleton was asked to review the records in this case and render his expert opinion of Licensee’s behavior. See Exhibit A(v) (MSB 000036-44).
43. Dr. Hambleton also stated that there is a mechanism for physicians to end the doctor/patient relationship and that it is irresponsible to think that simply discharging a patient from the hospital is sufficient to

terminate a doctor/patient relationship. He also noted that Patient A had recently filled one or more of the prescriptions that Licensee had prescribed in recent months. Dr. Hambleton opined that there was maintenance of a doctor/patient relationship between Licensee and Patient A at all pertinent times.

44. In his expert opinion, Dr. Hambleton's opined that "when sexual boundary violations involve vulnerable patients, the likelihood of successful rehabilitation is even more tenuous." Dr. Hambleton also testified that Licensee showed a blatant disregard for his previous treatment and the welfare of Patient A.
45. Dr. Hambleton also opined that "several of [Licensee]'s alleged behaviors, including physical embraces/hugs and kisses on the cheek, calling one another 'father' and 'son', saying 'I love you' and meeting with [Patient A] outside the office (taking the patient out to dinner, and visiting at their house) might not be characterized as blatant sexual boundary violations, however, they are certainly risk behaviors . . . and should be avoided by any practicing physician. In the case of [Licensee], these behaviors are egregious and unequivocal signs of imminent sexual boundary violations."
46. Dr. Hambleton testified that in his expert opinion, Licensee's behavior was a clear boundary violation. Dr. Hambleton also testified that the full-frontal hugs showed a "blatant disregard for the welfare of [Patient A]."
47. As Licensee did not present any expert witnesses or testimony, Dr. Hambleton's testimony was un rebutted.

TESTIMONY OF KENDALL MORRISON

48. Kendall Morrison testified that he met Licensee in 2013 while working as a medical assistant at a medical clinic.
49. Morrison testified that he and Licensee have a father/son relationship and that he calls Licensee "pops." However, Morrison testified that he was unaware of Licensee's previous suspension for sexual misconduct.

TESTIMONY OF PHYLLIS HAMMOND, L.C.S.W.

50. Phyllis Trass Hammond, LCSW testified that she has worked with Licensee since 2017 at Magnolia Medical Clinic. She testified that no patients complained about Licensee from 2017 to 2022. However, Hammond also had no knowledge or details of Licensee’s prior disciplinary history before the Board for sexual misconduct.

CONCLUSIONS OF LAW

1. The Board has jurisdiction in this matter pursuant to sections 73-25-29, and 73-25-83 (a), Mississippi Code Ann. of 1972, as amended. Venue is likewise properly placed before the Board to hear this matter in Hinds County, Mississippi.
2. The 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 a medical license and prescribe conditions under which persons may practice to protect the public health safety and welfare.
4. Based on the evidence and testimony presented, Licensee is found guilty of **Count I** of the Affidavit, i.e., 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, all in violation of Miss. Code Ann., Section 73-25-29(8)(d).

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 Licensee’s license to practice medicine is hereby immediately suspended pending successful completion of a board-approved psychosexual evaluation and a comprehensive, multidisciplinary evaluation with the determination of fitness for duty, including periodic polygraph testing. After successfully completing those requirements, Licensee may reappear before the Board, after not less than twelve (12) months, to seek reinstatement.

IT IS FURTHER ORDERED that Licensee shall reimburse the Board for all costs incurred in relation to the pending matter pursuant to Miss. Code Ann., Section

73-25-30, as amended. 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's current mailing address.

IT IS FURTHER ORDERED that this decision and opinion is a final order of the Board and is conclusive evidence of the matters described herein.

IT IS FURTHER ORDERED that the 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 8th day of December 2022.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**

BY: 
WILLIAM D. MCCLENDON, JR., M.D.,
PRESIDENT