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

**IN THE MATTER OF THE MEDICAL LICENSE OF:
OSCAR DOMINGO ALMEIDA, JR., M.D. (18856)**

DETERMINATION AND ORDER

The above-titled matter came before the Mississippi State Board of Medical Licensure (“Board”) in Jackson, Hinds County Mississippi, on July 21, 2022, pursuant to the Petition of Oscar Domingo Almeida, Jr., M.D. (“Licensee”) seeking issuance of a license to practice medicine in the State of Mississippi.

Complaint Counsel for the Board was Honorable Paul E. Barnes, Esq., who 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 present. Leyser Q. Hayes, 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. The matter was called to hearing without objection by either party.

Licensee was not accompanied by counsel. Through questioning, the Hearing Officer confirmed that Licensee was making a knowing and voluntary decision to waive his right to counsel and had chosen to represent himself in this matter *pro se*.

Board members present for the proceedings were William D. McClendon, Jr., M.D, President; Michelle Y. Owens, M.D.; Ken Lippincott, M.D; Renia R. Dotson, M.D.; Roderick Givens, M.D.; Thomas E. Joiner, M.D.; Kirk L. Kinard, D.O.; and William E. Loper, III, M.D. Consumer members present were Koomarie “Shoba” Gaymes and Wesley Breland.

Complaint Counsel introduced, without objection, a composite exhibit as Exhibit “2” which included the following Bates numbered documents:

- 2.1 06/15/2021 – MSBML Application (B-AL000001-AL000005)
- 2.2 05/19/2022 - MSBML Order of Continuance (B-AL000006)

- 2.3 06/20/2022 – MSBML Summons/Amended Affidavit w/exhibit (B-AL000007-AL000038)
- 2.4 05/04/2022 – Almeida’s response to multiple accusations (B-AL000039-AL000106) (pp. 55-58, 67-68 redacted)¹ (Exhibit 2.4 offered for identification only).
- 2.5 12/09/2021 – MSBML Original Summons/Affidavit (B-AL000107-AL000117)
- 2.6 11/22/2021 – AL Order Temporarily Suspending License and Setting Hearing (B-AL000108-AL000140)
- 2.7 10/31/2016 – AL Practice Contract Agreement (B-AL000141-AL000146)
- 2.8 04/20/2022 – AL Findings of Fact and Conclusions of Law/Response (B-AL000147-AL000172) (pp. 170-172 redacted)
- 2.9 03/17/2005 – MSBML Determination Order (B-AL000173-AL000178)
- 2.10 12/01/2021 – Almeida Letter to Executive Director (B-AL000179-AL000195) (pp. 181-187, 190-192 redacted)

Complaint Counsel explained that Exhibit 2.4 consisted of documents sent to the Board by Licensee, and was being offered for identification only. Complaint Counsel objected to the admission of Exhibit 2.4. The basis of the objection was that Licensee was attempting to relitigate the disciplinary proceedings that had already been concluded in Alabama, that the materials had previously been submitted to and considered by the Alabama Commission in its own proceedings, and therefore the documents were not relevant to any issue properly before the Board. Complaint Counsel also objected to a PowerPoint Presentation offered by Dr. Almeida containing 55 slides, which consisted of copies or excerpts from documents included in Exhibit 2.4.

The Hearing Officer sustained the objections and held that relitigation of the Alabama proceedings was improper and would not be permitted. Therefore, the Hearing Officer held the materials objected to were not relevant to the charges against Licensee and would not be admitted. The Hearing Officer permitted Licensee to make a proffer of his PowerPoint presentation for inclusion in the record.

¹ Portions of Exhibits 2.4, 2.8, and 2.10 were redacted to protect confidential patient information regarding Licensee. Unredacted copies of Exhibits 2.8 and 2.10 were introduced under seal, and the unredacted documents were available to the Board Members throughout the proceedings and deliberations. Exhibit 2.4 consisted of documents sent to the Board by Licensee, and was submitted by Complaint Counsel for identification only.

Respondent introduced, without objection, Respondent Exhibit 1: June 12, 2017, Alabama Voluntary Agreement.

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 of 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. Oscar Domingo Almeida, Jr., M.D. (“Licensee”), currently holds a suspended license, Mississippi Medical License Number 18856. Said license was valid until June 30, 2022. Although his license has expired, absent Board action Licensee would retain an inchoate right of renewal.
5. Licensee lists his primary practice location as Urgent Medicare –46 Shields Road, Huntsville, AL 35811. Licensee lists his specialty as obstetrics and Gynecology.
6. On November 22, 2021, the Medical Licensure Commission of Alabama (MLCA) determined that protection of Licensee’s patients and the public required the immediate suspension of his Alabama medical license. The MLCA issued an *Order Temporarily suspending License and Setting Hearing*, ordering that Licensee “immediately CEASE and DESIST from the practice of medicine in the State of Alabama until such time as the Administrative Complaint . . . shall be heard by the Commission and a decision rendered thereon.” The Administrative Complaint against Licensee was set for hearing on March 22, 2022.

7. Some ten days after Licensee had been ordered to cease and desist practicing medicine in Alabama on December 2, 2021, the Board received, via Fed EX, a letter from Licensee informing the Board of the action taken by the MLCA, providing certain documents regarding the Alabama action, and requesting permission to practice in Mississippi.
8. On December 9, 2021, the evidence in the Board's possession, including the MLCA's determination on November 22, 2021, resulted in the immediate temporary suspension of Licensee's Mississippi medical license pending hearing, in accordance with Miss. Code Ann. § 73-25-89. The hearing was originally set for December 16, 2021, within the fifteen day period prescribed by statute. The hearing was subsequently continued on multiple occasions to permit the underlying Alabama disciplinary proceedings to be resolved.
9. Licensee has a history of discipline for professional sexual misconduct. In 2002, the Alabama Commission revoked his Alabama medical license for professional sexual misconduct, and the revocation was upheld by the Alabama Supreme Court on September 3, 2004. Nevertheless, on March 17, 2005, this Board issued Licensee an unrestricted Mississippi medical license after a Show Cause Hearing, based on testimony that Licensee had not actually engaged in sexual intercourse with his patients. Alabama subsequently reinstated Licensee's Alabama medical license in 2007.
10. On June 27, 2016, this Board received a letter from Licensee, explaining that his hospital privileges at the University of South Alabama Hospital in Mobile, AL had been summarily suspended. Said suspension was reportedly due to boundary violations, a quality assurance review, and violation of hospital policy. This incident ultimately resulted in Licensee executing a non-public, non-disciplinary Practice Contract Agreement with this Board on October 25, 2016. The non-public Mississippi Practice Contract Agreement included numerous terms and conditions on Licensee's return to medical practice, including a requirement that Licensee obtain permission from the Board before he could return to practice in Mississippi. Based on the same underlying events at the University of South Alabama, Licensee also entered into a Voluntary Agreement with the Alabama Board of Medical Examiners on June 12, 2017, that also placed similar terms and conditions on his return to practice in that state.
11. Concerning the aforementioned 2021 suspension of Licensee's Alabama medical license and charges presented, the MLCA conducted hearings on March 22 and April 7, 2022. On April 20, 2022, the MLCA issued a detailed

written order and found Licensee guilty of violating his existing 2017 Voluntary Agreement with the Alabama Board of Medical Examiners. The Alabama Voluntary Agreement required Licensee to use a chaperone for “all examinations of female patients,” even those that did not involve “sensitive” examinations.² The MLCA found Licensee’s Alabama medical license was revoked due to his violation of this provision in the Order, but the revocation was stayed.

12. The April 20, 2022 MLCA Order placed Licensee’s Alabama medical license on probation for an indefinite term subject to the following conditions:

- a. Licensee is prohibited from practicing medicine in Alabama as a solo practitioner.
- b. Licensee shall practice medicine only pursuant to a practice plan that has been approved in advance by MLCA.
- c. Licensee shall at all times have a practice monitor, who shall be subject to approval by the MLCA.
- d. Licensee is prohibited from conducting any examination or treatment of any female patient unless a chaperone is physically present in the same room with the patient and Licensee at all times with continuous, direct visual and aural observation of all activities. All chaperones shall not be employed by Licensee, and they must complete chaperone training.
- e. Licensee shall enter into a lifetime contract with the Alabama Physicians’ Health Program.
- f. Licensee shall submit to a polygraph examination no less frequently than quarterly.
- g. Licensee shall provide every employer an exact, complete, unmodified, and legible copy of the MLCA Order’s conditions.
- h. Licensee shall, within six months of the MLCA Order, submit to a multidisciplinary assessment to be conducted by Acumen Assessments in Lawrence, Kansas. Within 30 days (October 2022) of the date of the MLCA Order, Licensee shall have made an appointment with Acumen.

13. In the documents sent to the Executive Director of this Board in December, 2021, Licensee submitted a letter dated March 15, 2021, to Rebecca A. Daniels, Investigator for the Alabama Board. The letter was a response to, “Formal Investigation Case #2021-017,” regarding Licensee’s alleged Unprofessional Conduct/Physician Sexual Misconduct.

² Likewise, Licensee’s 2016 Mississippi Contract Practice Agreement required Licensee to “[u]se a chaperone for *all* physical examinations of female patients.” (emphasis added).

14. On June 15, 2021, Licensee submitted his application for Mississippi licensure renewal to this Board. Despite his communications with the Alabama Board on March 15, 2021 concerning the new Alabama investigation into charges of physician sexual misconduct, Licensee falsely answered “NO” to the following question on his application for renewal: “Since your last renewal to the present time, have you been the subject of any disciplinary action or investigation by any US or foreign licensing authority, hospital, institution, society, or other government agency?”
15. Licensee testified that the Board was handicapped and was presented with one side of the story because he was not allowed to re-litigate the issue involving the allegations surrounding sexual misconduct in Alabama, including the findings, conclusions, and results of the Alabama disciplinary proceedings. According to Licensee, since the MLCA did not specifically find that he committed sexual impropriety, he should not be restricted in his practice of medicine.
16. Licensee asked the Board to look at the totality of his record, and alleged that in over 25 years he has only had one sexual allegation raised by a patient which he was found not guilty of.
17. Licensee testified that he completed his renewal application in haste and that as a result his “NO” response to the question relating to the disciplinary action or investigation on his renewal application was an honest mistake.

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 in order to protect the public health safety and welfare.
4. Based on the clear and convincing evidence and testimony presented, Applicant is found guilty of **Count I** of the Affidavit, i.e., the refusal of a

licensing authority of another state or jurisdiction to issue or renew a license, permit or certificate to practice medicine in that jurisdiction or the revocation, suspension or other restriction imposed on a license, permit or certificate issued by such licensing authority which prevents or restricts practice in that jurisdiction, a certified copy of the disciplinary order or action taken by the other state or jurisdiction being prima facie evidence thereof, notwithstanding the pendency of any appeal, all in violation of Miss. Code Ann. § 73-25-29(9).

5. Based on the clear and convincing evidence and testimony presented, Applicant is found guilty of **Count II** of the Affidavit, i.e., 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. § 73-25-29(8)(d).
6. Based on the clear and convincing evidence and testimony presented, Applicant is found guilty of **Count III** of the Affidavit, i.e., unprofessional conduct, which includes, but is not limited to the use of any false, fraudulent or forged statement or document, or the use of any fraudulent, deceitful, dishonest or immoral practice in connection with any of the licensing requirements, including the signing in his professional capacity any certificate that is known to be false at the time he makes or signs such certificate, all in violation of Miss. Code Ann. § 73-25-29(8)(f).
7. Based on the clear and convincing evidence and testimony presented, Applicant is found guilty of **Count IV**, i.e., 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. § 73-25-29(8)(d).

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

ORDER

IT IS THEREFORE ORDERED that Mississippi Medical License No. 18856, issued to Oscar Domingo Almeida, Jr., M.D., is hereby suspended indefinitely, but the suspension is stayed. Licensee is placed on probation subject to the same terms and conditions of probation as decreed by the Medical Licensure Commission of Alabama in its April 20, 2022 Order. Any questions may be directed to the Executive Director.

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 21st day of July, 2022.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**

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