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

**IN THE MATTER OF THE MEDICAL LICENSE OF:
HOUNG PHAM, M.D. (NO. 24787)**

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 a Summons and Affidavit issued to HounG Pham, M.D.

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 her rights to a formal hearing before the Board, was present and represented by Honorable Douglas G. Mercier, Esq. and Honorable Phillip Chapman, Esq. 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. This matter was called to hearing without objection by either party.

A quorum of Board members was present throughout the hearing and deliberation in the matter. 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.

A composite exhibit was introduced, without objection, as Exhibit “3” and included the following Bates-numbered documents:

Exhibit 3.1 Licensee’s Application for M.D. Permanent Renewal dated 6-26-2022 (B-PH000001-PH000005);

Exhibit 3.2 Summons and Affidavit (B-PH000006-PH000013), Agreement Not to Practice (B-PH000014-PH000015), Letter dated 4-28-

2022 from Francis Carrillo to Licensee (B-PH000016), Agreement to Appear Informally Before Executive Committee (B-PH000017);

Exhibit 3.3 Agreement Not to Practice Surgery (B-PH000018-PH-000019);

Exhibit 3.4 PACE Physician Assessment of Huong Pham, M.D., MS Medical License No. 25787 (B-PH000020-PH000044) (Redacted)¹;

Exhibit 3.5 Agreement Not to Practice (B-PH000045-PHPH000046);

Exhibit 3.6 CPEP Assessment Report for Huong Pham, M.D. (B-PH000047-PH000067);

Exhibit 3.7 CPEP Education Plan Developed April 2022 for Huong Pham, M.D. (B-PH000068-PH000092).

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 were properly noticed of the matter now pending before the Board.
4. Houng Pham, M.D. (“Licensee”), currently holds Mississippi Medical License Number 24787, and said number is valid until June 30, 2023. Licensee has not practiced in Mississippi since September 2021.

¹ Portions of Exhibit 3.4 were redacted to protect confidential information regarding Licensee. An unredacted copy of Exhibit 3.4 was introduced under seal, and the unredacted document was available to the Board Members throughout the proceedings and deliberation.

5. On or about November 30, 2020, the Board received a complaint from confidential sources indicating that Licensee had performed certain procedures without an adequate degree of skill, resulting in complications. There were also reports that Licensee had been reported to the hospital administration over concerns regarding her skill, but nothing had been done to address the concerns. During the hearing Licensee expressed that the initial complaint was associated with a complication with a C-Section in which delivery took longer than usual. All of these issues prompted an investigation.

6. An investigation was conducted by the Board regarding Licensee's ability to conduct the practice of medicine safely. At the conclusion of the investigative process a meeting was held with the Licensee and her legal counsel at the Board office on April 22, 2021. At that meeting, the concerns regarding Licensee's skills and ability to practice medicine safely were discussed. On April 22, 2021, Licensee agreed to sign an Agreement Not to Practice Surgery in lieu of formal action, as a sign of good faith and willingness to cooperate with the Board.

7. As part of the Agreement, Licensee consented to present for a competency/clinical skills assessment at a Board-approved facility. The evaluation was scheduled via the University of San Diego School of Medicine's Physician Assessment and Clinical Education (PACE) program. The purpose of the report was to assess concerns raised regarding licensee's surgical practice and skills.

8. Licensee presented for the evaluation at PACE from June 28 thru July 2, 2021. However, due to COVID-19, portions of the examination were done virtually to reduce transmission risks. The evaluation found Licensee's performance unsatisfactory; several places in the report set forth that Licensee's performance was "unsatisfactory" or "barely satisfactory". Examiners found that the MicroCog cognitive screening exam warranted further neuropsychological testing. Additionally, several of the faculty and staff commented on Dr. Pham's perceived poor professionalism and noted that she was manipulative and pressured them to do things outside of the standard PACE process.

9. A report was generated by PACE. In the report several recommendations were made inclusive of a minimum of one (1) year of self-study and other learning activities with an average of 30 to 40 hours per week to address deficits and neuropsychological testing. The report also reflected that Licensee failed the evaluation, i.e., she received a Category 4 rating which signified a poor performance that was not compatible with overall physician competency and safe practice. The PACE report specified: "The faculty and staff of the UCSD PACE Program do not give an outcome of 'Fail' lightly or casually. This assignation reflects major, significant deficiencies in clinical competence"

10. On September 8, 2021, Licensee met with the Board's Executive Director to discuss the PACE report. Licensee expressed that she did not agree with the findings of the assessment and requested a second clinical assessment with a different Board-approved facility. At this meeting, the Licensee signed a new non-public agreement, an Agreement Not to Practice restricting her from practicing medicine in any manner pending the outcome of the second evaluation and Board approval.

11. On October 21 – 23, 2021, Licensee presented to the Center for Personalized Education for Professionals (CPEP) for a second opinion of her clinical skills. The CPEP final report indicated that, "overall, Licensee's performance in some scenarios was consistent with medical competence. In others, she managed cases in a way that could lead to potential serious adverse consequences (primarily lack of obtaining pertinent history and not responding with appropriately emergent actions; she was noted to 'freeze' during times of stress). Appropriate management tended to occur when faced with less urgent situations". However, the CPEP report concluded that Licensee's overall management of delivery and associated skills was classified as "unsafe" and performance as "not competent."

12. CPEP recommended that Licensee participate in a structured, individualized Educational Individualized Educational Intervention, and drafted a proposed Education Plan for Licensee. CPEP detailed the following education recommendations:

- Period of direct observation: CPEP recommends a period that Licensee undergo direct supervision by a respected, board-certified obstetrician/gynecologist colleague to ensure she has maintained her skills in these areas. In the event this is not possible, Licensee must seek additional intensive simulation training.
- Education Preceptor: Licensee should have regularly scheduled meetings with an experienced educational preceptor to review cases and documentation, discuss decisions related to those cases, review specific topics, and make plans for future learning.
- Continuing Medical Education (CME) and Self-Study: Licensee should engage in CME courses and self-study that include the topics indicated in areas of demonstrated need.
- Documentation: Licensee shall complete a medical recordkeeping course.
- Communication: Licensee shall consider completing a clinician-patient communication course.

13. On cross-examination Licensee testified about her educational background and the fact that she was licensed in Texas and Louisiana. She also expressed that the complaint against her was initiated by a colleague, that there were no prior malpractice actions against her and that she was not aware there was a problem until she met with the Executive Director.

14. Licensee testified that the CPEP assessment came after PACE but was conducted within the same year and that CPEP also looked at what PACE evaluated, e.g., professionalism, communication, and documentation etc. She testified that the CPEP assessment found no cognitive function issues, and did not raise questions about her communication skills or professionalism. She further related that, if compared, PACE and CPEP did not agree in certain areas under review.

15. Licensee testified that in the PACE assessment she was not found to be an immediate risk to staff or her patients. She further testified that she wished to maintain her license and follow CPEP recommendations, and that she desired to work under the CPEP-recommended education plan. Licensee stated during the hearing that she did not yet have a preceptor.

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. 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 upon the clear and convincing evidence and testimony presented, Licensee is found guilty of **Count I** of the Affidavit, i.e., guilty of professional incompetence in the practice of medicine or surgery, in violation of Miss. Code Ann. § 73-25-83(b).

5. Based upon the clear and convincing evidence and testimony presented, Licensee is found guilty of **Count II** of the Affidavit, i.e., guilty of unprofessional conduct, which includes, but is not limited to, any dishonorable or unethical conduct likely to deceive, defraud or harm the public, in violation of Miss. Code Ann. §§ 73-25-(8)(d) and 73-25-83(a).

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. 24787, issued to Huong Pham, M.D., is hereby suspended with conditions for reinstatement to be successful completion of a Board approved re-entry training program. Questions concerning the details of the re-entry program are to be directed to the Executive Director.

IT IS THEREFORE ORDERED that in the event Licensee chooses to petition for reinstatement of license, she shall personally appear before the Board and establish that she has met the requirements of the re-entry training program.

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. § 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 U.S. mail at Licensee's current mailing address.


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

IT IS FURTHER ORDERED, that if Licensee violate 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 her 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), 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