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

IN THE MATTER OF THE PHYSICIAN'S LICENSE OF
FATIMA YOUSEF HUSSEIN, M.D.

FINAL ORDER

THIS MATTER came before the Mississippi State Board of Medical Licensure ("Board") in Jackson, Hinds County, Mississippi, on September 13, 2023 pursuant to a Summons and Affidavit issued to Fatima Yousef Hussein, M.D. ("Licensee"). A quorum of Board members was present throughout the proceeding and deliberations.

Board Counsel Paul Barnes presented the charges set forth in the Affidavit. The Board introduced into evidence, without objection, exhibits marked as MSB 1 through 7, 16 through 22, and 24 through 61. Licensee, having been properly served with Summons, was represented by Douglas G. Mercier, Esq. Licensee introduced into evidence, without objection, exhibits marked as Hussein 1 through 19. Assistant Attorney General Kim Turner, designated to serve as Hearing Officer, presided over the hearing and was directed to prepare this Final Order and Reprimand in accordance with the Board's deliberations and decision.

Based upon the evidence and testimony presented at the hearing, the Board makes the following findings of fact, conclusions of law and final order:

FINDINGS OF FACT

1. Licensee holds Mississippi Medical License Number 29421, current

through June 30, 2023. Licensee has been in practice for almost twenty-five (25) years and holds an active license in all fifty (50) states and the District of Columbia. She has no malpractice history.

2. Though licensed in the state of Mississippi, Licensee lives in Maryland; she is not physically present in Mississippi.
3. Licensee primarily practices telemedicine and has served as a collaborating physician in four (4) states: Mississippi, North Carolina, Oklahoma, and Florida.
4. On or about November 17, 2021, Licensee entered into a Collaboration Practice Agreement with APRN Erica Horton, to operate at Resilient Hope Hydration Lounge, an intravenous hydration therapy clinic located in Columbus, Mississippi.
5. On or about April 26, 2022, the Board received a complaint from the Mississippi Board of Nursing which alleged unprofessional conduct against Licensee by reason of a mid-level collaboration violation based upon a site visit of APRN Horton at the Resilient clinic in Columbus.
6. At the time of the site visit, APRN Horton told the investigator that there were no medical records for patients which supported a diagnosis for IV hydration and could not produce signed AU/AI plans as required by applicable law¹. APRN Horton later produced both medical records and signed QU/QI plans to the Board of Nursing.

¹ At hearing, Licensee disagreed with the findings of the Board of Nursing stating that, “there definitely was workup, there definitely was physical. We did ask for laboratory studies; we did have a protocol.” She explained that, at the time of the site visit, APRN Horton was working at a different job and was unable to produce the documentation at that time. (Tr. at p. 50).

7. In addition, patient records reviewed in connection with the site visit revealed patients were seen for treatment at the ReZilient clinic prior to its approval as a practice site by the Board of Nursing as required by Rule 1.2(D)(2), Miss. Admin. Code Pt. 2840.
8. By virtue of an Agreed Settlement Proposal, APRN Horton admitted the evidence was sufficient to establish a violation of Miss. Code Ann. Section 73-15-29(1)(f) and agreed to a formal reprimand, imposition of a \$500.00 fine, and the completion of four (4) board-approved courses as conditions to her continued licensure as a nurse in the state of Mississippi.
9. During its own investigation, this Board discovered Licensee failed to produce a protocol for approval by the Board, which is required when a physician plans to collaborate with a mid-level practitioner in locations beyond seventy-five (75) miles from the supervising physician.
10. The Board initiated this action against Licensee by the filing of an Affidavit which alleged Licensee was a collaborating physician and had been supervising a mid-level practitioner for approximately five (5) months without first submitting the required protocol to the Board for approval. By the Affidavit, the Board charged Licensee with unprofessional conduct as defined by Rule 1.9, 30 Admin. Code Pt. 2630, in violation of Miss. Code Ann. Sections 73-25-29(8)(d), (13), and 73-25-83(a).
11. Licensee admits she entered into a collaboration agreement with APRN

Horton and failed to submit a protocol to the Board for approval prior to the commencement of patient care as required for physicians collaborating with an APRN in locations beyond seventy-five (75) miles.

12. Licensee apologized to the Board and explained, “that in most states, the requirements for collaboration are listed under the Nursing Board; however, in Mississippi, these guidelines are listed in the Medical Board section.” (MSB 036). Furthermore, she employed an agent who she entrusted with ensuring her compliance with all states’ laws and regulations.

CONCLUSIONS OF LAW

1. The Board was created and established pursuant to Miss. Code Ann. Section 73-43-1 and is charged with the duty of licensing and regulating the practice of medicine in the State of Mississippi pursuant to Miss. Code Ann. Sections 73-25-1, *et. seq.*

2. 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.

3. The Board has personal and subject matter jurisdiction pursuant to Miss. Code Ann. Sections 73-25-29 and 73-25-83(a). Venue is likewise proper at the Board’s office in Hinds County, Mississippi.

4. The proceedings were duly and properly convened, and all substantive and procedural requirements under law were satisfied.

5. Pursuant to Rule 1.3, 30 Miss. Admin. Code Pt. 2630,

[p]hysicians who wish to collaborate must add the APRN to his/her file via the Medical Enforcement and Licensure System (MELS) Online Licensure Gateway, or its successor, prior to the commencement of patient care under the agreed protocol and must submit all required information regarding the collaboration to the Board. Physicians who collaborate with an APRN who either will be on-site with the physician or within seventy-five (75) miles are not required to submit the formal documentation (i.e., the protocol) to the Board for approval.

6. Pursuant to Rule 1.4, 30 Miss. Admin. Code Pt. 2630,

[p]hysicians who plan to collaborate with APRNs in locations beyond seventy-five (75) miles from the physician, known as Extended Mileage Collaboration, must submit the protocol for approval prior to the commencement of patient care under the protocol. . . .

The facts and matters to be considered by the Board regarding any collaborative relationship shall include, but are not limited to, how the collaborating physician and APRN plan to implement the protocol, compatibility of practice (e.g., specialty compatibility or day-to-day practice differences), the method and manner of collaboration, the availability of backup coverage, consultation, and referral.

7. Any violation of these administrative rules constitutes unprofessional conduct in violation of Miss. Code Ann. Section 73-25-29(8). *30 Admin. Code Pt. 2630 R. 1.9.*

8. Pursuant to Miss. Code Ann. Sections 73-25-29, 73-25-83 and 73-25-87, the Board may discipline a physician licensed or otherwise lawfully practicing within this state who, after a hearing, has been found by the Board to have violated any provisions therein. Such disciplinary action includes, but is not limited to, the issuance of a public or private reprimand, suspension or revocation of his/her license, and required participation in a program of education prescribed by the Board. Miss. Code Ann. Section 73-25-87.

9. Based upon the clear and convincing evidence, the Board finds Licensee violated Rules 1.3 and 1.4 and is guilty of unprofessional conduct pursuant to Rule

1.9, all in violation of Miss. Code Ann. Section 73-25-29(8)(d).

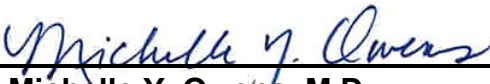
NOW, THEREFORE, IT IS HEREBY ORDERED that, Fatima Yousef Hussein, M.D., holder of Mississippi Medical License Number 29421, is hereby **REPRIMANDED**.

IT IS FURTHER ORDERED that Licensee shall reimburse the Board for all costs incurred in relation to this 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 this Final Order shall be deemed a 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 13th day of September 2023.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**

By: 
Michelle Y. Owens, M.D.
President