

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

**IN THE MATTER OF PHYSICIAN'S LICENSE**

**OF**

**NATHAN ERIC SMITH, M.D.**

**CONSENT ORDER**

**WHEREAS**, Nathan Eric Smith, M.D., hereinafter referred to as "Licensee," is the current holder of License No. 28864, issued May 12, 2021, for the practice of medicine in the State of Mississippi;

**WHEREAS**, on September 27, 2022, Licensee, in order to avoid a disciplinary hearing, voluntarily entered into a Consent Order with the Tennessee Board of Medical Examiners hereinafter referred to as the "Tennessee Board," for an act or acts that violate Tennessee Code Ann. § 61-6-214 (b)(1), Unprofessional Conduct, and § 61-6-214 (b)(2), violation or attempted violation, directly or indirectly, or assisting in abetting the violation of, or conspiring to violate, any provision of this chapter or any lawful order of the Tennessee Board issued pursuant thereto, or any criminal statute of the state of Tennessee;

**WHEREAS**, Licensee allowed an individual who was not licensed or medically trained to scrub in for a surgery, allowed this individual to make the initial, superficial incision, and allowed this individual to hold the suction device and a pair of forceps while Licensee opened the patient's sternum;

**WHEREAS**, while in the operating room, Licensee had a registered nurse take several pictures of Licensee and another staff member with Licensee's cell phone where the patient's body was visible but not the patient's face;

**WHEREAS**, the patient did not experience any complications or require any additional medical care as a result of the afore mentioned events;

**WHEREAS**, as part of the Tennessee Consent Order, Licensee was issued a Reprimand and was ordered to complete a Tennessee Board approved two-day medical ethics course and provide proof of completion to the Tennessee Board, as well as pay investigative costs;

**WHEREAS**, pursuant to Miss. Code Ann. § 73-25-29(9) (1972), the aforementioned actions by the Tennessee Board constitute restrictions against Licensee's ability to practice in another jurisdiction, grounds for which the Mississippi State Board of Medical Licensure, hereinafter referred to as "Board," may revoke the Mississippi medical license of Licensee, suspend his right to practice for a time deemed proper by the Board, place his license on probation, the terms of which may be set by the Board, or take any other action in relation to his license as the Board may deem proper under the circumstances;

**WHEREAS**, Licensee wishes to avoid an evidentiary hearing before the Mississippi State Board of Medical Licensure and, in lieu thereof, has agreed to enter into this Consent Order, thereby admitting to the facts set forth herein, subject to the terms, conditions and restrictions as specified below.

**NOW, THEREFORE**, the Mississippi State Board of Medical Licensure, with consent of Licensee as signified by his joinder herein, does hereby formally **REPRIMAND** Licensee, subject to the following terms and conditions:

1. Licensee must comply with all requirements set forth in the aforementioned Tennessee Consent Order. Licensee shall provide proof of the successful

completion of the Tennessee Consent Order Upon successful completion of the Tennessee Consent Order, and upon receipt by the Board of the aforementioned proof, Licensee will receive notice the terms of this Consent Order have been satisfied.

2. Licensee shall obey all federal, state, and local laws, and all rules and regulations governing the practice of medicine. Any further acts of misconduct will result in further action.
3. Licensee shall reimburse the Board for all costs incurred in relation to the pending matter pursuant to Miss. Code Ann. § 73-25-30, said amount not to exceed \$10,000. Licensee shall be advised of the total assessment by separate written notification and shall tender to the Board a certified check or money order made payable to the Mississippi State Board of Medical Licensure, on or before forty (40) days from the date the assessment is mailed to Licensee via U.S. Mail to Licensee's current mailing address.

Should the Board hereafter receive documented evidence of Licensee violating any of the terms and conditions of this Consent Order, the Board shall have the right, pursuant to a full evidentiary hearing, to revoke the medical license of Licensee, suspend it for a time deemed proper by the Board, or take any other action determined as necessary by the Board.

This Consent Order shall be subject to approval by the Board. If the Board fails to approve this Consent Order, in whole or in part, it shall have no force or effect on the parties. It is further understood and agreed that the purpose of this Consent Order is to avoid a hearing before the Board. In this regard, Licensee authorizes the Board to review

and examine any documentary evidence or material concerning the Licensee prior to or in conjunction with its consideration of this Consent Order. Should this Consent Order not be accepted by the Board, it is agreed that presentation to and consideration of this Consent Order and other documents and matters pertaining thereto by the Board shall not unfairly or illegally prejudice the Board or any of its members from participation in any further proceedings.

Licensee understands and expressly acknowledges that, should Licensee challenge or dispute any provision or statement in this agreement during the Board approval process, this Consent Order will automatically be rendered null and void, formal charges will be brought, and this matter shall be set for a full evidentiary hearing at the convenience of the Board.

Licensee understands and expressly acknowledges that this Consent Order, if approved and executed by the Mississippi State Board of Medical Licensure, shall constitute a public record of the State of Mississippi. Licensee further acknowledges that the Board shall provide a copy of this Order to, among others, the Federation of State Medical Boards, and the Board makes no representation as to action, if any, which any other agency or jurisdiction may take in response to this Order.

Recognizing his right to notice of charges specified against him, to have such charges adjudicated pursuant to Miss. Code Ann. § 73-25-27, to be represented therein by legal counsel of his choice, and to a final decision rendered upon written findings of fact and conclusions of law, **Nathan Eric Smith, M.D.** nonetheless, hereby waives his right to notice and a formal adjudication of charges and authorizes the Board to enter an order accepting this Consent Order.

EXECUTED, this the 5<sup>th</sup> day of ~~February~~ <sup>March</sup> 2023.



**Nathan Eric Smith, M.D.**

**ACCEPTED AND APPROVED** this the \_\_\_\_\_ day of \_\_\_\_\_ 2023, by  
the Mississippi State Board of Medical Licensure.

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**WILLIAM D. MCCLENDON, M.D.**  
**Board President**

EXECUTED, this the 5<sup>th</sup> day of ~~February~~ March 2023.



**Nathan Eric Smith, M.D.**

**ACCEPTED AND APPROVED** this the 22<sup>nd</sup> day of March 2023, by  
the Mississippi State Board of Medical Licensure.



**WILLIAM D. MCCLENDON, M.D.**  
**Board President**