

BOARD MINUTES
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
JANUARY 14, 2016

The regularly scheduled meeting of the Mississippi State Board of Medical Licensure was held on Thursday, January 14, 2016, in the Board Room of the Office of the Board located at 1867 Crane Ridge Drive, Jackson, Mississippi.

The following members were present:

Virginia M. Crawford, M.D., Hattiesburg, President
Charles D. Miles, M.D., West Point, Vice President
Rickey L. Chance, D.O., Ocean Springs, Secretary
Claude D. Brunson, M.D., Jackson
John C. Clay, M.D., Meridian
S. Randall Easterling, M.D., Vicksburg
C. Kenneth Lippincott, M.D., Tupelo
William S. Mayo, D.O., Oxford
J. Ann Rea, M.D., Summit

Also present:

H. Vann Craig, M.D., Director
Stan T. Ingram, Complaint Counsel for the Board
Ellen O'Neal, Special Assistant Attorney General
Rhonda Freeman, Bureau Director, Licensure Division
Thomas Washington, Bureau Director, Investigative Division
Leslie Ross, Investigations Supervisor
Frances Carrillo, Special Projects Officer, Investigative Division
Sherry H. Pilgrim, Staff Officer
Wesley Breland, Hattiesburg, Consumer Health Committee
Charles Thomas, Yazoo City, Consumer Health Committee
Maj Gen (Ret) Erik Hearon, Consumer Health Committee

The meeting was called to order at 9:00 a.m. by Dr. Crawford, President. The invocation was given by Dr. Miles and the pledge was led by Dr. Chance. Dr. Crawford welcomed Melissa Magee, Court Reporter, and extended a welcome to all visitors present at the meeting.

Dr. Crawford opened the floor for public comments but there were none.

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APPROVAL OF CERTIFICATION OF MISSISSIPPI LICENSES TO OTHER ENTITIES FOR THE PERIOD NOVEMBER 01, 2015, THROUGH DECEMBER 31, 2015

Two hundred twenty-six (226) licenses were certified to other entities for the period of November 01, 2015, through December 31, 2015. Motion was made by Dr. Easterling, seconded by Dr. Miles, and carried unanimously to approve these certifications.

APPROVAL OF LICENSES ISSUED FOR THE PERIOD NOVEMBER 01, 2015, THROUGH DECEMBER 31, 2015

Sixty-eight (68) licenses were issued for the period of November 01, 2015, through December 31, 2015. Motion was made by Mayo, seconded by Dr. Easterling, and carried unanimously to approve these licenses.

REVIEW OF MINUTES OF THE EXECUTIVE COMMITTEE MEETING DATED NOVEMBER 11, 2015, AND MINUTES OF THE BOARD MEETING DATED NOVEMBER 12, 2015

Minutes of the Executive Committee Meeting dated November 11, 2015, and Minutes of the Board Meeting dated November 12, 2015, were reviewed. Dr. Mayo moved for approval of the minutes as submitted. Dr. Easterling seconded the motion and it carried unanimously.

REPORT OF JANUARY 14, 2016, EXECUTIVE COMMITTEE MEETING

Dr. Craig briefly discussed the issues/appearances that were discussed by the Executive Committee on January 13, 2016. Information pertaining to the Executive Committee's decisions/recommendations is included in the Executive Committee Minutes dated January 13, 2016.

Following clarification that the matter concerning out-of-state physicians collaborating with in-state APRNs does not include free standing clinic requests, motion was made by Dr. Mayo, seconded by Dr. Easterling, and carried unanimously to ratify the actions taken by the Executive Committee.

REPORTS FROM COMMITTEES

Scope of Practice - Dr. Easterling (Chair), Dr. Chance, Dr. Miles, Dr. Rea, Mr. Thomas

Dr. Easterling advised there was no new information to report.

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Professionals Health Program - Dr. Chance (Chair), Dr. Lippincott, Dr. Crawford

Dr. Chance advised there was no new information to report.

Rules, Regulation & Legislative - Dr. Mayo (Chair), Dr. Easterling, Dr. Miles, Dr. Clay,
Mr. Breland

Dr. Mayo advised there was no new information to report.

Telemedicine / Interstate Licensure Compact - Dr. Brunson (Chair), Dr. Crawford,
Dr. Craig, Ms. Freeman, Maj Gen (Retired) Hearon

Dr. Brunson advised there was no new information to report.

Licensees Education and Communication - Dr. Easterling (Chair), Dr. Chance,
Dr. Crawford, Dr. Rea, Ms. Freeman

Dr. Easterling advised there was no new information to report.

PRESENTATION/REQUEST BY MISSISSIPPI PHARMACY BOARD

Dr. Craig advised that the Pharmacy Board had requested time to address the Board concerning assistance with funding the Prescription Monitoring Program (PMP). Dr. Craig introduced Frank Gammill, Executive Director of the Pharmacy Board, and Mr. Gammill introduced Steve Parker and Dana Crenshaw also with the Pharmacy Board.

Mr. Parker briefly discussed requested changes to the PMP authorization statute that they would like to submit to the legislature as well as a formula that they devised using MAGIC numbers for agencies using the PMP to share in the expenses. Mr. Parker advised that after the pilot ends this fall that there will be approximately \$116,000 added cost to the Pharmacy Board. Mr. Parker advised that the Pharmacy Board will be funding the program in advance, and that after June 30th of each year they will advise each agency what their portion is according to the participation numbers. Mr. Parker also requested that the Board send documentation to the legislature providing our position to assist their request in getting the legislation passed.

Ms. Crenshaw talked about what the Pharmacy Board is currently absorbing and how they are working to assist agencies with the program.

Mr. Gammill discussed the possibility of putting all prescriptions on the PMP including mail orders, etc., as well as discussing the mechanics and cost that would be involved.

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Following a brief discussion, motion was made by Dr. Chance, seconded by Dr. Easterling, and carried unanimously of the Board's acceptance and support of the Pharmacy Board's request.

HEARING IN CASE OF ROGER COLLINS, M.D., JACKSON, MISSISSIPPI MEDICAL LICENSE NUMBER 08566

Mr. Ingram, Complaint Counsel for the Board, introduced Dr. Collins and his attorney, Eric Price. Mr. Ingram advised that Dr. Collins has been under a Consent Order since January 16, 2014, and that he has met all of the Board's requirements. Mr. Ingram advised that Dr. Collins is here today requesting the lifting of all restrictions on his license.

Mr. Ingram provided a brief background of the January 2014 Consent Order and discussed the conditions that were imposed including that Dr. Collins surrender his controlled substance DEA for two (2) years. Mr. Ingram entered an exhibit into the record.

Mr. Price addressed the Board and stated that Dr. Collins has met all of the requirements in the Order and that he was here today requesting that the Board lift all restrictions on his license.

Dr. Collins was called to the witness stand and sworn in by the court reporter. Dr. Collins discussed how the required courses have helped him and how what he has learned will help him in the future to avoid the same mistakes.

Following several questions from Board members, motion was made by Dr. Easterling, seconded by Dr. Miles, and carried unanimously to grant Dr. Collins' request to lift all restrictions currently on his license. A copy of the Order is attached hereto and incorporated by reference.

A verbatim account of this proceeding was recorded by Melissa Magee, Court Reporter.

HEARING IN THE CASE OF STEVEN LINDSEY BAYER, M.D., GADSDEN, AL, MISSISSIPPI MEDICAL LICENSE NUMBER 14718

Mr. Ingram introduced Dr. Bayer and his attorney, Doug Mercier. Mr. Ingram briefly provided a background of the Summons and Affidavit that was served on Dr. Bayer. Mr. Ingram advised that in lieu of a hearing, that Dr. Bayer was here today to request that the Board approve an Agreed Order Not to Renew or Seek Reinstatement of his Mississippi medical license in the future. Mr. Ingram advised that Dr. Bayer's

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Mississippi medical license has currently lapsed and that he is currently working in Gadsden, AL.

Mr. Mercier addressed the Board and gave a brief background and covered Dr. Bayer's CV. Also, Mr. Mercier advised that Dr. Bayer is ADHD and had family problems in the past, as well as suffering from sleep apnea that caused him not to respond to some of the telephone calls. Mr. Mercier advised that Dr. Bayer has an unrestricted license to practice in Gadsden, AL, where he currently resides.

Dr. Bayer was called to the witness stand and sworn in by the court reporter. Dr. Bayer responded to several questions from members of the Board.

Motion was made by Dr. Mayo, seconded by Dr. Miles, and carried unanimously to approve the Agreed Order Not to Renew or Seek Reinstatement of his Mississippi medical license. A copy of the Agreed Order is attached hereto and incorporated by reference.

A verbatim account of this proceeding was recorded by Melissa Magee, Court Reporter.

PERSONAL APPEARANCE BY PAUL N. MADUBUONWU, M.D., CLEVELAND, APPLICANT

Dr. Craig briefly discussed that Dr. Madubonwu had been invited to appear after the Board received his application and waiver request concerning the clinical skills portion of the USMLE.

Dr. Madubonwu joined the meeting without counsel but had signed the agreement to appear informally before the board. A copy of the signed agreement is attached hereto and incorporated by reference. Mr. Ingram introduced Dr. Madubonwu. Dr. Madubonwu was accompanied by Ms. Aurelia Jones Taylor, Chief Executive Officer at Aaron E. Henry Community Health Services Center, which is a Federally Qualified Health Center operating in five counties in the Northwest Mississippi delta region.

Dr. Madubonwu advised that he failed to pass step 2 Clinical Skills and step 3 of the USMLE. Dr. Madubonwu advised that he had practiced in Nigeria for years and that the transition had not been easy. After completing his residency program, Dr. Madubonwu decided the best thing for him was to work in education and he did so at the University of Tennessee in Memphis. Dr. Madubonwu provided the Board with three (3) books that he had written as well as advising that he developed a protocol to treat spice and shared it with doctors at UMMC.

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Ms. Taylor lobbied the Board to grant Dr. Madubonwu limited privileges due to the physician shortage in the delta.

After several questions from Board members and a brief discussion concerning state supported institutions versus a federal facility, motion was made by Dr. Chance, seconded by Dr. Mayo, and carried that the Board enter into executive session to discuss issues that could result in adverse action.

Upon a motion by Dr. Chance, seconded by Dr. Mayo, and carried the Board came out of Executive Session at which time Dr. Crawford asked Dr. Chance to report on the Board's decision. Dr. Chance advised that the Board adopted two (2) motions. 1) to deny Dr. Madubonwu's request to obtain an unrestricted license in Mississippi without passing all parts of the USMLE; and, 2) to grant Dr. Madubonwu a limited institutional license provided he meets all statutory requirements for obtaining a LIL including working in a state-supported institution.

Dr. Crawford thanked them for appearing today.

DISCUSS REQUEST FROM MISSISSIPPI COUNCIL OF ADVISORS IN ACUPUNCTURE

Jerusha Stephens and Dennis Moore representing the Mississippi Council of Advisors in Acupuncture had sent the Board a letter requesting changes they wanted to put before the 2016 legislature to allow for an exemption for Auricular Acupuncture from the physician referral and had requested the Board's support.

The Board advised them that state statute requires physician referral. After a brief discussion as to how they want to use the procedure and how the legislature wants to know if they have the Board's support when attempting changes, they thanked the Board for their time and exited the meeting. There was no further discussion regarding this matter.

REQUEST APPROVAL FOR STAFF AND BOARD MEMBERS TO ATTEND THE ADMINISTRATORS IN MEDICINE AND FEDERATION OF STATE MEDICAL BOARD MEETINGS APRIL 27 - 30, 2016, IN SAN DIEGO, CA

Motion was made by Dr. Mayo, seconded by Dr. Miles, and carried to approve the expenses for staff and Board members attending meetings in San Diego, CA, April 27 - 30, 2016.

Also, motion was made by Dr. Mayo, seconded by Dr. Miles, and carried to approve the expenses for Board members, Dr. Craig, and the Board's attorneys to

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attend the Federation's Symposium to discuss anti-trust issues pertinent to state medical board and medical regulation in Dallas, TX, on March 8, 2016.

DISCUSS REQUEST FROM STARKVILLE ORTHOPEDIC CLINIC

Dr. Craig briefly discussed a request that the Board had received from Starkville Orthopedic Clinic requesting the Board consider granting electronic prescribing privileges for Schedule II narcotics to patients that live more than 20 miles from the clinic.

Following a brief discussion, the Board advised Dr. Craig to advise Dr. Smith that this is not a matter for the Board to approve and to refer him to the federal register.

FOR INFORMATIONAL PURPOSES ONLY, RONALD VINCENT MYERS, SR., M.D., HAS FILED A NOTICE OF APPEAL IN THE CHANCERY COURT OF THE FIRST JUDICIAL DISTRICT OF HINDS COUNTY

Dr. Craig advised that Dr. Myers has filed a notice of appeal limited to the assessment of fees that the Board had charged him relating to his hearing.

FOR INFORMATIONAL PURPOSES ONLY, IKECHUKWU HYGINUS OKORIE, M.D., HAS FILED A NOTICE OF APPEAL IN THE CHANCERY COURT OF THE FIRST JUDICIAL DISTRICT OF HINDS COUNTY

Dr. Craig advised that Dr. Okorie has filed an appeal in the chancery court in Hinds county after his hearing on November 12, 2015.

ADJOURNMENT

There being no further business, the meeting adjourned at 11:45 a.m., with the next meeting scheduled for Thursday, March 24, 2016.


Virginia M. Crawford, M.D.
President

Minutes taken and transcribed
by Sherry H. Pilgrim
Staff Officer
January 14, 2016

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

ROGER L. COLLINS, M.D.

ORDER

THIS MATTER came on regularly for hearing on January 14, 2016, before the Mississippi State Board of Medical Licensure, in response to the petition of Roger L. Collins, M.D. (hereinafter "Licensee"), seeking removal of all restrictions on his license to practice medicine in the State of Mississippi, imposed by virtue of that certain Consent Order dated January 16, 2014. In support of Licensee's request for removal of restrictions, the Board has been submitted proof that Licensee has complied with all terms of the aforementioned Consent Order. Therefore, the Board, after hearing said request, finds the same to be well-taken.

IT IS HEREBY ORDERED, that Licensee's request for removal of all restrictions is hereby granted. Licensee now holds an unrestricted license to practice medicine in the State of Mississippi.

IT IS HEREBY ORDERED, that pursuant to Miss. Code Ann. Section 73-25-27 (1972), a copy of this Order shall be sent by registered mail or personally served upon, Roger L. Collins, M.D.

ORDERED, this the 14th of January, 2016.

MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE

BY: _____


VIRGINIA M. CRAWFORD, M.D.
PRESIDENT

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

STEVEN LINDSEY BAYER, M.D.

**AGREED ORDER NOT TO RENEW OR SEEK REINSTATEMENT
OF MEDICAL LICENSE**

WHEREAS, Steven Lindsey Bayer, M. D., hereinafter referred to as "Licensee," is the current holder of License No. 14718, issued February 26, 1996, to practice medicine in the State of Mississippi;

WHEREAS, the United States Department of the Air Force, Air Force Medical Operations Agency, Surgeon General of the Air Force, AFMOA/SGHQ, Risk Management Operation, pursuant to Department of Defense policy requiring the notification to licensing agencies of certain actions involving licensed providers, notified the Mississippi State Board of Medical Licensure (Board) on November 1, 2013, that Licensee accepted an Article 15 (non-judicial punishment) on April 1, 2011, for his absence in the Labor and Delivery (L & D) to care for a patient he admitted for Vaginal Birth After Cesarean (VBAC). Licensee was absent from the hospital and out of contact by pager and/or cell phone for over 2 hours and 15 minutes. He was also absent from L & D on February 22, 2011 for the start of a scheduled repeat Cesarean section. Licensee was unavailable when paged and did not respond to the OR and assume care for the patient until an hour after he was initially scheduled to do so. Licensee received a reprimand and forfeiture of \$3,820.00 pay per month for two months. Licensee's action could have had an adverse effect on patient care and patient safety.

WHEREAS, on or about July 1, 2014, Licensee's clinical privileges at the Military Treatment Facility at Eglin AFB, FL were revoked as a result of impairment and

unreliability which led to substandard patient care. On January 9, 2015, the revocation was affirmed by the USAF Surgeon General. On February 9, 2015, the Board requested copies of all documents surrounding the adverse actions taken by the United States Air Force.

WHEREAS, pursuant to Subsection (c) of Section 73-25-83, Mississippi Code (1972), Annotated, the aforementioned Article 15 and subsequent revocation of medical staff privileges constitutes being disciplined by a licensed hospital or medical staff of said hospital, or the restriction of hospital staff privileges while an investigation or disciplinary proceeding is being conducted by a licensed hospital or medical staff or medical staff committee of said hospital, being grounds for which the Mississippi State Board of Medical Licensure 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's Mississippi medical license (14718) was not renewed for the 2015-2016 renewal period and said license is now lapsed;

WHEREAS, pursuant to Mississippi law and the Administrative Code of the Board, Licensee has the right to seek reinstatement of licensure, a right which can only be relinquished by action of the Board or by agreement by and between Licensee and the Board;

WHEREAS, Licensee wishes to resolve the pending matter by relinquishing his right to renew his license and thereafter, his right to seek reinstatement of licensure;

NOW, THEREFORE, Steven Lindsey Bayer, M.D., hereby agrees not to renew his license (No. 14718) to practice medicine in the State of Mississippi, said license having expired June 30, 2015. Licensee does hereby agree to not practice medicine from

and after the date of execution of this Agreed Order and never to seek renewal or reinstatement of said license at anytime in the future.

Pursuant to Miss. Code Ann., Section 73-25-30, Licensee shall pay all costs associated with the disciplinary action taken herein. Licensee shall be advised of the total assessment by separate written notification, and shall have a certified check or money order made payable to the Mississippi State Board of Medical Licensure on or before forty (40) days from receipt of the assessment notification.

This Agreed Order shall be subject to approval by the Board. If the Board fails to approve the Agreed 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 Agreed Order is to avoid a hearing before the Board. In this regard, Licensee authorizes the Board to review and examine any documentary evidence or materials concerning the Licensee prior to or in conjunction with its consideration of this Agreed Order. Should this Agreed Order not be accepted by the Board, it is agreed that presentation to and consideration of this Agreed 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 further participation or consideration of the resolution of the proceedings.

Licensee understands and expressly acknowledges that this Agreed Order, if approved and executed by the Mississippi State Board of Medical Licensure, shall constitute a public record of the State of Mississippi.

Recognizing his right to notice of charges specified against him, to have such charges adjudicated pursuant to Mississippi Code annotated, Section 73-25-27 (1972), 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, **Steven Lindsey Bayer, MD.**, nonetheless, hereby waives his right to notice and a formal adjudication of charges and

authorizes the Board to enter this Agreed Order, thereby prohibiting Licensee from ever seeking renewal or reinstatement of his Mississippi medical license.

Signed this the 6th day of January, 20 16.



Steven Lindsey Bayer, M.D.

ACCEPTED AND APPROVED this the 14th day of January, 2016, by the Mississippi State Board of Medical Licensure.



**Virginia M. Crawford, M.D., President
Mississippi State Board of Medical Licensure**

**AGREEMENT TO APPEAR INFORMALLY BEFORE BOARD
BY APPLICANT FOR LICENSURE**

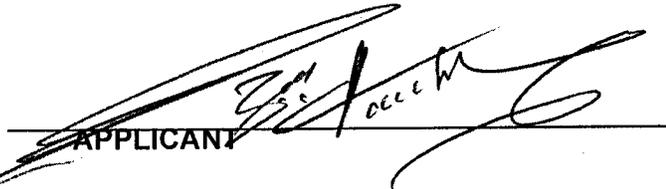
I, **Paul Madubonwu, MD**, have requested an opportunity to appear informally before the Mississippi State Board of Medical Licensure (hereinafter "Board") to discuss my pending application for a Mississippi medical license, the current investigation being conducted by the Board, possible grounds for denial, and possible resolution of the matter. It is the purpose of the informal meeting to discuss the facts of the case, to give me an opportunity to ask questions of the Board or its staff, and to give the Board or its staff an opportunity to ask questions of me. Because the meeting is informal, no disciplinary action will be taken without my express written consent. In so doing, I have been advised and understand the following:

1. During the meeting, the Board may or may not be represented by legal counsel. Notwithstanding, I understand that I have a right, if I so choose, to employ legal counsel and have counsel present during the informal meeting.
2. I authorize the Board Members to review and examine any statements, documentary evidence, or materials concerning the possible grounds for denial of licensure during my informal appearance.
3. Because the purpose of my appearance is to avoid a hearing before the Board, I agree that presentation to and consideration by the Board of any facts, matters, and documents pertaining to my case shall not unfairly or illegally prejudice the Board members from further participation or consideration in the event a formal show cause hearing is later conducted. Stated differently, in the event the pending matter is not resolved following my appearance before the Board, I will not object to any of the members from further participating in subsequent meetings or hearings that may be conducted in relation to this matter.
4. By signing my name in the space provided below, I hereby authorize the Board to proceed with the informal appearance, subject to the stipulations and understandings as noted above. I have elected to proceed:

with legal counsel present (name of counsel: _____)

without legal counsel present

EXECUTED, this the 14 day of JAN., 2016.



APPLICANT

Witness: 

Paul Madubonwu
NAME PRINTED

EXECUTIVE SESSION
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
January 14, 2016

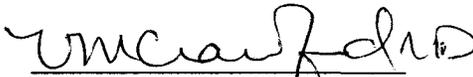
2 motions were made in the matter of Dr. Madubonwu, M.D.

AGENDA ITEM: XIII. Personal appearance by Paul N. Madubonwu, M.D.,
Applicant

In a motion made by Dr. Mayo, seconded by Dr. Rae, and carried the Board voted to deny Dr. Madubonwu's request to obtain an unrestricted license in Mississippi without passing all parts of the USMLE.

<u>VOTE:</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Claude D. Brunson, M.D.	X			
Rickey L. Chance, D.O.	X			
John C. Clay, M.D.	X			
Virginia M. Crawford, M.D.	X			
S. Randall Easterling, M.D.	X			
C. Ken Lippincott, M.D.	X			
William S. Mayo, D.O.	X			
Charles D. Miles, M.D..	X			
J. Ann Rea, M.D.	X			

With a motion by Dr. Chance, seconded by Dr. Mayo, the Board came out of Executive Session.


Virginia M. Crawford, M.D.
President

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MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
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2 motions were made in the matter of Dr. Madubonwu, M.D.

AGENDA ITEM: XIII. Personal appearance by Paul N. Madubonwu, M.D.,
Applicant

2nd motion is as follows:

In a motion made by Dr. Easterling, seconded by Dr. Clay, and carried the Board the Board voted to grant Dr. Madubonwu a Limited Institutional License provided Licensee meets all statutory requirements for obtaining a LIL.

<u>VOTE:</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Claude D. Brunson, M.D.	X			
Rickey L. Chance, D.O.		X		
John C. Clay, M.D.	X			
Virginia M. Crawford, M.D.	X			
S. Randall Easterling, M.D.	X			
C. Ken Lippincott, M.D.	X			
William S. Mayo, D.O.		X		
Charles D. Miles, M.D..	X			
J. Ann Rea, M.D.	X			

With a motion by Dr. Chance, seconded by Dr. Mayo, the Board came out of Executive Session.


Virginia M. Crawford, M.D.
President