

**BOARD MINUTES**  
**MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**  
**JULY 21, 2016**

The regularly scheduled meeting of the Mississippi State Board of Medical Licensure was held on Thursday, July 21, 2016, in the Board Room of the Office of the Board located at 1867 Crane Ridge Drive, Jackson, Mississippi.

The following members were present:

Charles D. Miles, M.D., West Point, President  
Virginia M. Crawford, M.D., Hattiesburg, Vice President  
Claude D. Brunson, M.D., Jackson, Secretary  
S. Randall Easterling, M.D., Vicksburg  
David W. McClendon, Jr., M.D., Ocean Springs  
J. Ann Rea, M.D., Summit

Also present:

John K. Hall, M.D., J.D., Director  
Stan T. Ingram, Complaint Counsel for the Board  
Rhonda Freeman, Bureau Director, Licensure Division  
Jonathan Dalton, Staff Officer, Investigative Division  
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

Not present:

C. Kenneth Lippincott, M.D., Tupelo  
William S. Mayo, D.O., Oxford  
Ellen O'Neal, Special Assistant Attorney General  
Leslie Ross, Investigations Supervisor  
Charles Thomas, Yazoo City, Consumer Health Committee

The meeting was called to order at 10:00 a.m. by Dr. Miles, President. The invocation was given by Dr. Crawford and the pledge was led by Dr. Brunson. Dr. Miles welcomed Dawn Dillard, Court Reporter, and extended a welcome to all visitors present at the meeting.

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### **OATH OF OFFICE**

Dr. Miles advised that the Board has a new Board member starting today, Dr. William David McClendon, Jr., M.D., of Ocean Springs and provided a brief summary of his education and career. Also, Dr. Miles advised that he and Dr. Brunson were beginning their second term on the Board and provided a brief summary of their education and careers.

Dawn Dillard, Court Reporter, administered the Oath of Office to Dr. McClendon, Dr. Brunson and Dr. Miles. A copy of the Oath of Office is attached hereto and incorporated by reference. Dr. Miles presented Dr. McClendon with a Board lapel pin.

Dr. Brunson will be representing the 1<sup>st</sup> Supreme Court District, Dr. McClendon will be representing the 2<sup>nd</sup> Supreme Court District, and Dr. Miles will be representing the 3<sup>rd</sup> Supreme Court District.

### **EXECUTIVE DIRECTOR**

Dr. Miles advised that he and the Board were pleased to announce and introduce the Board's new Executive Director, John K. Hall, M.D., J.D. Dr. Miles briefly summarized Dr. Hall's education and career and presented him with a Board lapel pin.

### **PUBLIC COMMENTS**

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

### **APPROVAL OF CERTIFICATION OF MISSISSIPPI LICENSES TO OTHER ENTITIES FOR THE PERIOD MAY 01, 2016, THROUGH JUNE 30, 2016**

Two hundred seventy-two (272) licenses were certified to other entities for the period of May 01, 2016, through June 30, 2016. Motion was made by Dr. Easterling, seconded by Dr. Crawford, and carried unanimously to approve these certifications.

### **APPROVAL OF LICENSES ISSUED FOR THE PERIOD MAY 01, 2016, THROUGH JUNE 30, 2016**

One hundred sixteen (116) licenses were issued for the period of May 01, 2016, through June 30, 2016. Motion was made by Dr. Brunson, seconded by Dr. Crawford, and carried unanimously to approve these licenses.

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### **REVIEW OF MINUTES OF THE EXECUTIVE COMMITTEE MEETING DATED MAY 18, 2016, AND MINUTES OF THE BOARD MEETING DATED MAY 19, 2016**

Minutes of the Executive Committee Meeting dated May 18, 2016, and Minutes of the Board Meeting dated May 19, 2016, were reviewed. Dr. Brunson moved for approval of the minutes as submitted. Dr. Crawford seconded the motion and it carried unanimously.

### **REPORT OF JULY 20, 2016, EXECUTIVE COMMITTEE MEETING**

Dr. Hall briefly discussed the issues/appearances that were discussed by the Executive Committee on July 20, 2016. Information pertaining to the Executive Committee's decisions/recommendations is included in the Executive Committee Minutes dated July 20, 2016.

Following a brief discussion concerning two (2) of the appearances before the Executive Committee, motion was made by Dr. Easterling, seconded by Dr. Crawford and carried that the Board enter into Executive Session to discuss an ongoing investigation and a matter covered under the *Mississippi Disabled Physician Law*.

Upon a motion by Dr. Miles, seconded by Dr. Crawford, and carried the Board came out of Executive Session at which time Dr. Miles asked Dr. Brunson to report on their decision. Dr. Brunson advised that no action was taken.

Motion was made by Dr. Easterling, seconded by Dr. Crawford, and carried that the decisions/recommendations of the Executive Committee be approved. The Board unanimously ratified the actions taken by the Executive Committee on July 20, 2016.

### **REPORTS FROM COMMITTEES**

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

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

**Professionals Health Program** - Dr. Crawford (Chair), Dr. Lippincott, Dr. McClendon,  
Dr. Rea

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

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

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Dr. Mayo was absent but Dr. Easterling advised the Committee met today and reviewed the regulations pertaining to Physician Assistants, Hospice, and Pain Management. Dr. Easterling advised that all of the regulations were taken under advisement for additional changes and will be forthcoming.

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

Dr. Brunson advised that the Interstate Licensure Compact had been approved by the Legislature and that the Board needs to appoint two (2) Commissioners. The Board unanimously approved the appointments of Dr. Hall and Dr. Brunson to represent the Board on the Commission.

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

Dr. Hall discussed adding a newsletter within the next six (6) months to provide the licensees important items of interest.

**Physician Assistant Advisory Task Force** - Dr. Crawford (Chair),  
Robert Philpot, Jr., PhD, PA-C, Tristen Harris, PA-C, Lauren English, PA-C,  
Phyllis Johnson, Board of Nursing, Ms. Freeman

Dr. Crawford advised the Task Force was working with the Rules and Regulation Committee to update the PA rules. Once they are completed, the proposed regulations will be sent back to the PA Advisory Task Force.

## **OTHER BUSINESS**

Dr. Miles advised that Lee McDivitt, with the Mississippi Attorney General's Office had requested to speak with the Board. Motion was made by Dr. Crawford, seconded by Dr. Brunson, and carried that the Board enter into Executive Session to discuss the concerns raised by Mr. McDivitt.

The Board returned from Executive Session advising there was no action to be discussed.

## **PERSONAL APPEARANCE BY BOYD BENEFIELD, M.D., GULFPORT, MISSISSIPPI MEDICAL LICENSE NUMBER 10941**

Mr. Ingram introduced Dr. Benefield and asked if he were here today without counsel. Dr. Benefield stated that he was here without counsel. Mr. Ingram asked Dr.

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Benefield if he knew that he had the right to legal representation and Dr. Benefield stated in the affirmative. Mr. Ingram then asked Dr. Benefield if he wanted to waive his right to an attorney and proceed without legal counsel. Dr. Benefield again responded in the affirmative.

Mr. Ingram provided the Board with a brief background and advised the Board that Dr. Benefield was here today to request the lifting of all restrictions on his license from the May 14, 2015, Consent Order. Also, Mr. Ingram advised the Board that Dr. Benefield has complied with the restrictions listed in the Consent Order.

Dr. Benefield was called to the witness stand and was sworn in by the court reporter. Mr. Ingram entered a copy of the May 14, 2015, Consent Order as an exhibit and began questioning Dr. Benefield. Dr. Benefield addressed the Board and made his request as well as responded to several questions from Board members. Dr. Benefield explained how much knowledge he had gained from the required courses and briefly discussed how that knowledge would be beneficial in his practice.

Following several more questions, motion was made by Dr. Crawford, seconded by Dr. Brunson, and carried to grant Dr. Benefield's request and lift all the restrictions currently placed on his Mississippi medical license. A copy of the Order is attached hereto and incorporated by reference.

A verbatim account of this proceeding was recorded by Dawn Dillard, Court Reporter.

### **ORIENTATION PRESENTATION**

Mr. Ingram provided the Board with an informative presentation covering disciplinary licensure proceedings, due process requirements, rules of evidence, and other pertinent topics that would assist the Board during investigations and hearings.

**THE BOARD RECESSED FOR LUNCH AT 12:05 P.M. AND RETURNED AT 1:00 P.M.**

### **REQUEST FOR DECLARATORY OPINION**

Dr. Miles advised that the Board had received a Request for Declaratory Opinion from Butler Snow concerning Rule 1.9 Labeling Requirements for Dispensing Physicians. Mr. Ingram addressed the Board and provided a summary of what they were referring about in our regulation.

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After further discussion, motion was made by Dr. Brunson, seconded by Dr. Crawford, and carried that the Board take the matter under advisement for additional information. Dr. Miles requested that Dr. Hall and Ms. O'Neal work together on drafting a response.

Dr. Easterling further requested that an investigator meet with a couple of the doctors at Southern Bone & Joint Specialists to get an idea of how this will be handled.

### **LIST OF LAPSED LICENSES FOR PHYSICIANS AND PHYSICIAN ASSISTANTS**

For informational purposes, the Board was provided a list of lapsed licenses for physicians and physician assistants that did not renew their license by June 30, 2016. A copy of the lists will be sent to the Attorney General's office.

### **ATA FALL FORUM TO BE HELD IN NEW ORLEANS, LA, SEPTEMBER 28 - 30, 2016**

Dr. Hall discussed the information provided concerning the ATA Fall Forum in New Orleans, September 28 - 30. After a brief discussion, motion was made by Dr. Miles, seconded by Dr. Rea, and carried that Dr. Hall and Dr. Brunson represent the Board at the meeting.

### **EXTENSION REQUEST FROM PHYSICIAN ASSISTANT**

Ms. Freeman discussed an extension request from a physician assistant that currently has a temporary license until he passes the NCCPA. The PA is scheduled to take the exam on August 1, 2016. The problem is that the PA's 180 days for a temporary license will expire July 29, 2016. Per the Board's Rules and Regulations, the Board may extend a temporary license not to exceed 180 days.

Following a brief discussion, motion was made by Dr. Crawford, seconded by Dr. Brunson, and carried to extend the PA's temporary license for another 180 days.

### **DISCUSS NEW TECHNOLOGIES - NEUROMUSCULAR ELECTRONIC STIMULATION**

For informational purposes, Dr. Hall advised that the Board had received a request concerning who is able to write prescriptions/order treatment with the biomedical device. Dr. Hall advised that he had sent an email requesting additional information and to date, they have not responded.

### **FOR INFORMATIONAL PURPOSES, FINAL FILING OF PART 2630, CHAPTER 1: COLLABORATION WITH NURSE PRACTITIONERS FILED MAY 05, 2016**

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For informational purposes, Dr. Miles advised that a copy of the final filed regulation was attached for their review.

**FOR INFORMATIONAL PURPOSES, THEODORE EMEKA OKECHUKU, M.D.,  
SURRENDER OF MEDICAL LICENSE**

For informational purposes, Dr. Miles advised that the Board had received the signed copy of the surrender from Dr. Okechuku's attorney. A copy of the surrender is attached hereto and incorporated by reference.

**FOR INFORMATIONAL PURPOSES, LEE BURGESS DRAKE, M.D., SURRENDER  
OF MEDICAL LICENSE**

For informational purposes, Dr. Miles advised that the Board had received a Voluntary Surrender from Dr. Drake. A Copy of the surrender is attached hereto and incorporated by reference.

**FOR INFORMATIONAL PURPOSES, 2016 ANNUAL REPORT FOR THE  
FEDERATION OF STATE MEDICAL BOARDS**

For informational purposes, Dr. Miles advised that each Board member was provided a copy the Federation's Annual Report for their review.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 2:05 p.m., with the next meeting scheduled for Thursday, September 22, 2016.



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Charles D. Miles, M.D.  
President

Minutes taken and transcribed  
by Sherry H. Pilgrim  
Staff Officer  
July 21, 2016

# OATH OF OFFICE

I, Claude Darnell Brunson, M.D. do solemnly swear (or affirm)

that I will faithfully support the Constitution of the United States and the Constitution of the State of Mississippi,  
and obey the laws thereof; that I am not disqualified from holding the office of Member,  
Mississippi State Board of Medical Licensure

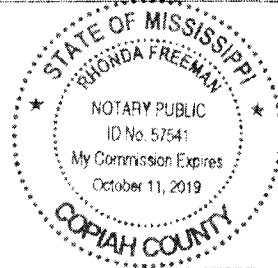
that I will faithfully discharge the duties of the office upon which I am about to enter. So help me God.

Subscribed and sworn to before me at  
Jackson

Mississippi, this 21st day  
of July, 2016

Claude Darnell Brunson

By Shonda Freeman





# OATH OF OFFICE

I, Charles Davis Miles, M.D. do solemnly swear (or affirm)

that I will faithfully support the Constitution of the United States and the Constitution of the State of Mississippi,  
and obey the laws thereof; that I am not disqualified from holding the office of Member,  
Mississippi State Board of Medical Licensure

that I will faithfully discharge the duties of the office upon which I am about to enter. So help me God.

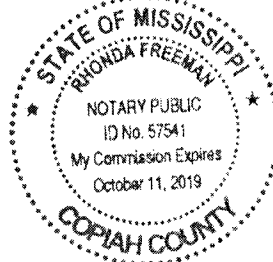
Subscribed and sworn to before me at  
Jackson

Mississippi, this 21st day

of July, 2016

By Shonda Freeman

Charles Davis Miles, M.D.



# OATH OF OFFICE

I, William David McClendon, Jr., M.D. do solemnly swear (or affirm)  
that I will faithfully support the Constitution of the United States and the Constitution of the State of Mississippi,  
and obey the laws thereof; that I am not disqualified from holding the office of Member,  
Mississippi State Board of Medical Licensure

that I will faithfully discharge the duties of the office upon which I am about to enter. So help me God.

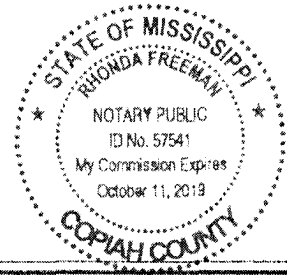
Subscribed and sworn to before me at  
Jackson

Mississippi, this 21st day

of July, 2016

Wm D. McClendon, Jr.

By Rhonda Freeman



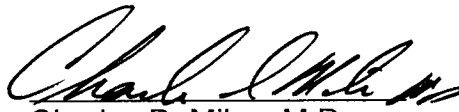
**EXECUTIVE SESSION  
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE  
July 21, 2016**

AGENDA ITEM: Review of Executive Committee Meeting dated July 20, 2016

In a motion made by Easterling, seconded by Dr. Crawford, and carried the Board entered into Executive Session to discuss an ongoing investigation and a matter covered under the *Mississippi Disabled Physician Law*.

<u>VOTE:</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Claude D. Brunson, 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
W. David McClendon, M.D.	X			
Charles D. Miles, M.D..	X			
J. Ann Rea, M.D.	X			

With a motion by Dr. Crawford, seconded by Dr. Easterling, and carried the Board came out of Executive Session at which time Dr. Brunson advised no action was taken.



Charles D. Miles, M.D.  
President

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

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

**OF**

**BOYD PORTER BENEFIELD, M.D.**

**ORDER**

**THIS MATTER** came on regularly for hearing on July 21, 2016, before the Mississippi State Board of Medical Licensure, in response to the petition of Boyd Porter Benefield, 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 May 14, 2015. 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, Boyd Porter Benefield, M.D.

**ORDERED**, this the 21<sup>ST</sup> of July, 2016.

**MISSISSIPPI STATE BOARD OF  
MEDICAL LICENSURE**

BY: 

**CHARLES D. MILES, M.D.  
PRESIDENT**

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

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

**OF**

**THEODORE EMEKA OKECHUKU, M.D.**

**SURRENDER OF MEDICAL LICENSE**

**WHEREAS**, Theodore Emeka Okechuku, M.D., hereinafter referred to as "Licensee," is the current holder of Medical License Number 20921, issued December 14, 2009, to practice medicine in the State of Mississippi;

**WHEREAS**, on December 3, 2013, Licensee was indicted in the United States District Court for the Northern District of Texas, on one count of Conspiracy to Unlawfully Distribute a Controlled Substances. It was alleged that Licensee and others associated with his clinic provided hydrocodone outside the scope of medical practice and without legitimate medical need. On or about December 23, 2013, U.S. Magistrate Judge Toliver granted Licensee a pre-trial release with certain condition, including a condition that Licensee not violate federal or state law;

**WHEREAS**, on or about August 29, 2014, the Texas Medical Board entered an Agreed Order (2014 Texas Order) thereby imposing 12 cycles of practice monitoring, Jurisprudence (JP) exam, 16 hours of continuing medical education, and a \$5,000 administrative fee. The 2014 Texas Order was based on Licensee's failure to meet the standards of care in the treatment, prescribing, and record-keeping related to his care of multiple pain management patients;

**WHEREAS**, on or about October 6, 2014, the U.S. Attorney filed an Ex-Parte Motion for Arrest and Revocation of Pre-Trial Release against Licensee in the United States District Court for the Northern District of Texas. The motion was based on complaints from a pharmacist and information from a reliable confidential informant regarding Licensee's issuance of numerous

prescriptions for hydrocodone. On or about October 17, 2014, the Motion for Arrest was granted, and an order Revoking pre-trial release of Licensee was issued in the U.S. District Court, finding probable cause that Licensee violated a term of his pre-trial release;

**WHEREAS**, on or about October 24, 2014, a Disciplinary Panel of the Texas Medical Board entered a Order of Temporary Suspension (Without Notice of Hearing) effective on the date rendered. Based on the evidence presented and Findings of Fact and Conclusions of Law, the Panel determined that Licensee's continuation in the practice of medicine would constitute a continuing threat to the public welfare;

**WHEREAS**, on December 16, 2014, a Superseding Indictment was entered against Licensee before the United States District Court for the Northern District of Texas, thereby charging Licensee with the original one count of conspiracy to unlawfully distribute a controlled substance, but also two counts of using, carrying and brandishing a firearm during and in relation to a drug trafficking crime;

**WHEREAS**, following a criminal trial before a jury, Licensee was found guilty of all three counts as set forth in the December 16, 2014, Superseding Indictment;

**WHEREAS**, on March 30, 2016, the United States District Court for the Northern District of Texas rendered its Judgment in a Criminal Case, sentencing Licensee to 25 years incarceration (216 months on Counts 1 and 3 to run concurrent; and 84 months on Count 2 to run consecutive). Upon release from imprisonment, Licensee shall be on supervised release for a term of 3 years, subject to certain terms and conditions.

**WHEREAS**, the above conduct and actions constitute grounds for which the Mississippi State Board of Medical Licensure may revoke said license, or take any other action in relation to said license as the Board may deem proper under the circumstances;

**WHEREAS**, Licensee wishes to avoid an evidentiary hearing before the Board by voluntarily relinquishing his right to practice medicine in the State of Mississippi;

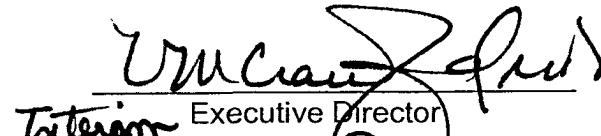
**NOW, THEREFORE,** Licensee hereby voluntarily surrenders his medical license (Number 20921) to practice medicine in the State of Mississippi. Licensee understands that this is an unconditional surrender, is reportable as disciplinary action to the National Practitioner Data Bank, and is a public record of the State of Mississippi. In the event Licensee later decides to practice medicine in the State of Mississippi, it will be necessary for him to submit a new application with the Board. At such time, the Board reserves the right to utilize all evidence, including all facts developed during the current investigation, as part of the consideration of any application.

**FURTHER,** the above surrender of license is being tendered to the Board notwithstanding the fact that Licensee has perfected an appeal of his criminal convictions. In the event Licensee is later exonerated as to all charges by order of the Federal Court, Licensee shall have the right to petition the Board for reconsideration.

EXECUTED this the 17<sup>th</sup> day of MAY, 2016.

  
Theodore Emeka Okechuku, M.D.

ACCEPTED AND APPROVED this the 28<sup>th</sup> day of June, 2016 by the  
Mississippi State Board of Medical Licensure.

  
Interim Executive Director  
Board President

MSBML  
JUL 11 2016

July 8, 2016

Virginia Crawford, M.D.  
President and Interim Executive Director  
Mississippi State Board of Medical Licensure  
1867 Crane Ridge Drive  
Jackson, MS 39216

Re: Confidential – Voluntary Surrender of Medical License of Lee Drake, M.D.

Dear Dr. Crawford:

I hereby voluntarily surrender my medical license in accordance with Miss. Code Ann. § 73-25-53(a) and § 73-25-59 and relinquish my right to practice medicine.

I entered the Gratitude Program at Pine Grove Behavioral Health & Addictive Services on December 16, 2015, and was discharged on February 14, 2016, with discharge diagnoses including impulse-control disorder, adjustment disorder and major depressive disorder. Pursuant to the recommendation of Pine Grove, I agreed to participate in the Mississippi Professionals Health Program (MPHP). As part of that participation and as recommended by Pine Grove because of my diagnoses, I accepted that I would be restricted from treating female patients for the duration of my active medical licensure.

Although I attempted to comply with the monitoring requirements of the MPHP, I was unable to do so because of my diagnosed mental conditions. Accordingly, because of my diagnosed mental illness, I hereby voluntarily surrender my medical license and relinquish my right to practice medicine.

In accordance with Section 3.09 of the Board's Licensure Policies, I am submitting my original licensure wall certificate and current wallet card, which are enclosed with this letter. Please let me know if the Medical Licensure Board requires anything further from me. I have no interest prolonging what has been a hard decision for me.

Sincerely,

