

BOARD MINUTES
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
MAY 14, 2015

The regularly scheduled meeting of the Mississippi State Board of Medical Licensure was held on Thursday, May 14, 2015, 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
William S. Mayo, D.O., Oxford, Vice President
Charles D. Miles, M.D., West Point, Secretary
Claude D. Brunson, M.D., Jackson
Rickey L. Chance, D.O., Ocean Springs
John C. Clay, M.D., Meridian
S. Randall Easterling, M.D., Vicksburg
C. Kenneth Lippincott, M.D., Tupelo
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, Assistant Attorney General
Rhonda Freeman, Bureau Director, Licensure Division
Thomas Washington, Bureau Director, Investigative Division
Frances Carrillo, Special Projects Officer, Investigative Division
Sherry H. Pilgrim, Staff Officer
Charles Thomas, Yazoo City, Consumer Health Committee
Maj Gen (Ret) Erik Hearon, Consumer Health Committee

Not present:

Wesley Breland, Hattiesburg, 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 Maj Gen (Ret) Hearon. Dr. Crawford welcomed Cathy White, Court Reporter, and extended a welcome to all visitors present at the meeting. Travis Conner, with the Mississippi State Medical Association, introduced Jamie Stanford who is a medical student at the University Medical Center.

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

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Dr. Craig advised that Frances Carrillo, Special Projects Officer, had been with the Board for twenty (20) years and recognized her service by presenting her with a certificate and an engraved wooden clock.

APPROVAL OF CERTIFICATION OF MISSISSIPPI LICENSES TO OTHER ENTITIES FOR THE PERIOD MARCH 01, 2015, THROUGH APRIL 30, 2015

Two hundred ninety-one (291) licenses were certified to other entities for the period March 01, 2015, through April 30, 2015. Motion was made by Dr. Easterling, seconded by Dr. Mayo, and carried unanimously to approve these certifications.

APPROVAL OF LICENSES ISSUED FOR THE PERIOD MARCH 01, 2015, THROUGH APRIL 30, 2015

One hundred nineteen (119) licenses were issued for the period March 01, 2015, through April 30, 2015. Motion was made by Dr. Easterling, seconded by Dr. Mayo, and carried unanimously to approve these licenses.

REVIEW OF MINUTES OF THE EXECUTIVE COMMITTEE MEETING DATED MARCH 18, 2015, MINUTES OF THE BOARD MEETING DATED MARCH 18, 2015, AND MINUTES OF THE BOARD MEETING DATED MARCH 19, 2015

Minutes of the Executive Committee Meeting dated March 18, 2015, Minutes of the Board Meeting dated March 18, 2015, and of the Board Meeting dated March 19, 2015, were reviewed. Dr. Mayo moved for approval of the minutes as submitted. Dr. Miles seconded the motion and it carried unanimously.

REPORT OF MAY 13, 2015, EXECUTIVE COMMITTEE MEETING

Dr. Craig briefly discussed issues/appearances that were discussed by the Executive Committee on May 13, 2015. Information pertaining to the Executive Committee's decisions/recommendations is included in the Executive Committee Minutes dated May 13, 2015.

After discussion, Dr. Easterling made the motion that the matter concerning Dr. Seglio be extracted and discussed in Executive Session separately. Dr. Mayo seconded the motion and it carried unanimously.

Upon a motion by Dr. Mayo, seconded by Dr. Crawford, and carried the Board came out of Executive Session at which time Dr. Crawford asked Dr. Miles to report on the Board's decision. Dr. Miles advised that after discussion the Board voted to accept the decision of the Executive Committee.

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Motion was made by Dr. Easterling, seconded by Dr. Mayo, and carried of the Board's decision to ratify the actions/decisions of the Executive Committee's meeting.

REPORT FROM NOMINATING COMMITTEE

Dr. Mayo, Chair of the Nominating Committee, advised that the committee had met and were proposing the following officers for the next year: President - Dr. Virginia Crawford, Vice President - Dr. Charles Miles, and Secretary - Dr. Rickey Chance. Motion was made by Dr. Easterling, seconded by Dr. Clay, and carried to accept the slate of officers as proposed to serve a one (1) year term.

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.

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

Dr. Chance advised there was no new information to report but discussed inviting Dean Crenshaw with the Board of Pharmacy to make a presentation.

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 but stated that the Board will hold an oral hearing on the proposed telemedicine regulation later today.

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.

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REQUEST FROM PETE BERLOWITZ, BOARD PRESIDENT, BETHEL FREE HEALTH CLINIC

Dr. Craig briefly discussed a letter that the Board had received from Bethel Free Health Clinic. Following a brief discussion, the Board agreed that the Board's rules and regulations do not allow a mechanism for issuing temporary licenses in the absence of a declared state of emergency. The Board requested that Dr. Craig send a letter to them explaining the Board's position.

REQUEST APPROVAL OF PROPOSED CONSENT ORDER FOR BOYD PORTER BENEFIELD, M.D., GULFPORT, MISSISSIPPI MEDICAL LICENSE NUMBER 10941

Dr. Craig advised that Dr. Benefield was not present today but had signed and returned the proposed Consent Order and requested the Board's approval. Following a brief discussion, motion was made by Dr. Mayo, seconded by Dr. Miles, and carried to approve the proposed Consent Order. A copy of the Order is attached hereto and incorporated by reference.

PERSONAL APPEARANCE BY MICHAEL A. ALDAY, M.D., INMAN, SC, APPLICANT

Dr. Craig advised that Dr. Alday had been invited to appear before the Board to allow him the opportunity to discuss his application for licensure and request an exception to the post graduate training.

Dr. Alday was present with no attorney. Dr. Alday thanked the Board and briefly discussed a letter that was sent to the Board by Dr. Joseph Walton, Director of Internal Medicine Education and the Transitional Year Program at Spartanburg Regional Medical Center. Dr. Walton explained that the program that Dr. Alday was attending was a flexible internship and was not certified by the ACGME, but one year afterwards became ACGME certified. Dr. Alday advised the Board that he has been board certified since 1992.

Following several questions from Board members, motion was made by Dr. Mayo, seconded by Dr. Miles, and carried unanimously to grant the waiver and allow Dr. Alday an unrestricted Mississippi medial license.

PERSONAL APPEARANCE BY ROBERT KENT OZON, M.D., GAUTIER, MISSISSIPPI MEDICAL LICENSE NUMBER 17909, REQUEST TO LIFT RESTRICTIONS

Dr. Craig advised that he had received a phone call and email indicating that Dr. Ozon is ill and will have to reschedule his appearance.

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**PERSONAL APPEARANCE BY CHRISTOPHER JM CUMMINS, M.D., RIPLEY,
MISSISSIPPI MEDICAL LICENSE NUMBER 19838, REQUEST TO LIFT
RESTRICTIONS**

Mr. Ingram, Complaint Counsel for the Board, introduced Dr. Cummins and advised that he was here today without legal counsel to request that all restrictions be removed from his Mississippi medical license. Mr. Ingram advised Dr. Cummins that Ellen O'Neal, Assistant Attorney General, would like to question him regarding legal representation. Following questions from Ms. O'Neal, Dr. Cummins stated that he wanted to waive his right to an attorney and proceed without legal counsel.

Mr. Ingram briefly summarized the Consent Order that Dr. Cummins is currently under and advised that he has met all the Board's requirements. Mr. Ingram placed an exhibit into the record.

Dr. Cummins was sworn in by the court reporter and then addressed the Board. Dr. Cummins stated that he has complied with all the requirements of the Order and that he was here today to request that the Board remove all restrictions currently on his medical license.

Following several questions from Board members, motion was made by Dr. Mayo, seconded by Dr. Miles, and carried unanimously to remove all restrictions currently on Dr. Cummins' medical license. A copy of the Order is attached hereto and incorporated by reference.

A verbatim account of this proceeding was recorded by Cathy White, Court Reporter.

**PERSONAL APPEARANCE BY BERNADETTE E. SHERMAN, M.D., NATCHEZ,
MISSISSIPPI MEDICAL LICENSE NUMBER 09011, REQUEST APPROVAL OF
PROPOSED CONSENT ORDER**

Mr. Ingram introduced Dr. Sherman and her attorney, Rajita Moss, and advised that due to a settlement conference they were here today to request the approval of a proposed Consent Order.

Mr. Ingram provided a brief background and then covered the Summons and Affidavit. Ms. Moss addressed the Board and made a statement on behalf of Dr. Sherman. Ms. Moss stated that they were asking the Board to remove the statement on page 1 of the Consent Order pertaining to being guilty of dishonorable or unethical conduct likely to deceive, defraud or harm the public.

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Following several questions from the Board members, motion was made by Dr. Easterling, seconded by Dr. Mayo, and carried that the Board enter into Executive Session to discuss a matter that could adversely affect Dr. Sherman's license.

Upon a motion by Dr. Mayo, seconded by Dr. Miles, and carried the Board came out of Executive Session at which time Dr. Crawford asked Dr. Miles to report on the Board's decision. Dr. Miles advised that the language will remain in place and that Dr. Sherman will not be allowed to prescribe scheduled medications for the term of one (1) year. At that time, if all requirements have been met, Dr. Sherman may return and request lifting of the Consent Order for schedules III, IV, and V, with the exception of Phenergan with codeine and benzodiazepines. A copy of the Consent Order is attached hereto and incorporated by reference.

A verbatim account of this proceeding was recorded by Cathy White, Court Reporter.

PERSONAL APPEARANCE BY HOSAN MENANYA AZOMANI, M.D., MADISON, MISSISSIPPI MEDICAL LICENSE NUMBER 18728, REQUEST APPROVAL OF PROPOSED CONSENT ORDER

Mr. Ingram introduced Dr. Azomani and his attorney, Stewart Smith, and advised that due to a settlement conference they were here today to request the approval of a proposed Consent Order

Mr. Ingram provided a brief background and then covered the Summons and Affidavit. Mr. Smith addressed the Board and made a statement on behalf of Dr. Azomani and advised that Dr. Azomani is appealing the conviction.

Following several questions from Board members, motion was made by Dr. Miles, seconded by Dr. Mayo, and carried to accept the proposed Consent Order. A copy of the Consent Order is attached hereto and incorporated by reference.

A verbatim account of this proceeding was recorded by Cathy White, Court Reporter.

FOR INFORMATIONAL PURPOSES, TITLE 30, PART 2605, CHAPTER 1, RULE 1.2 CONCERNING WAIVER FOR PHYSICIANS NOT MEETING THE CURRENT LICENSING REQUIREMENTS WAS FINAL FILED APRIL 28, 2015

For informational purposes, Dr. Craig advised that per the Board's request at the March meeting that the regulation concerning the waiver for physicians not meeting

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the current licensing requirements was final filed on April 28, 2015, and will become effective May 28, 2015, unless there are comments received that would need to be addressed.

THE BOARD RECESSED AT 10:45 A.M. AND RETURNED AT 10:50 A.M.

ORAL HEARING - CONCERNING THE BOARD'S PROPOSED REGULATION CONCERNING TITLE 30, PART 2635, CHAPTER 5, PRACTICE OF TELEMEDICINE

Dr. Crawford called the Oral proceeding to order and welcomed the guests. Dr. Crawford advised that the Board would listen to all comments and suggestions during the oral proceeding.

Dr. Crawford read the following statement, "We are here today to conduct an oral proceeding with regard to the Board's proposed rules and regulations regarding **Mississippi Administrative Code, Title 30, Part 2635, Chapter 5: Practice of Telemedicine**. This rule was deleted and replaced with updated rules regarding the practice of telemedicine. The Notice of Proposed Rule Adoption was filed with the Secretary of State pursuant to the Administrative Procedures Act on March 23, 2015. These regulations are being adopted pursuant to the statutory authority found in Mississippi Code Title 73. The purposes of these regulations are to protect the public, to set professional standards, and to enforce the provisions of law regulating the practice of medicine in the State of Mississippi.

Each person has been provided with guidelines for the conduct of oral proceedings before the MSBML. Persons who have indicated a desire to make a presentation during this proceeding may present oral statements and/or any documentary submissions relevant to their position. The Board requests that each participant making an oral statement identify themselves and any other individuals or entities they may represent at the beginning of their presentation and give a brief statement of their position with regard to the proposed regulation. The Board requests that each individual requesting to comment during the oral proceeding, to please restrict your statements and/or comments to five (5) minutes and please avoid repetitive comments or ideas."

1) **Henry DePhillips, M.D., Chief Medical Officer - Teladoc** - addressed Teladoc's suggested language as outlined in their letter dated April 8, 2015. Dr. DePhillips left a copy of his comments with Dr. Crawford, as well as addressing several questions from Board members.

2) **Claudia Duck Tucker, VP Government Affairs - Teladoc** - addressed the national trends in telemedicine, addressed suggested changes, and discussed the economic

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impact to the state. Ms. Tucker responded to several questions from Board members.

3) **Claudia Duck Tucker - read letter from Tammy Barclay, Barclay Enterprises, Magnolia, MS** - in Ms. Barclay's absence, Ms. Tucker read a letter into the record discussing their business in a rural community and how Teladoc would assist their employees.

4) **Timothy Howard, M.D., Senior Medical Director - Teladoc** - addressed his experiences as a telemedicine provider and how he initially got involved.

5) **Charles Ross, Counsel for Teladoc - Wise Carter Law Firm** - addressed areas that he feels are overly restricted and the need for an Economic Impact Statement (EIS). Mr. Ross advised that the Board is required to have an EIS on proposed rules filed. Mr. Ross responded to several questions from Board members.

6) **Timothy Moore, President/CEO Mississippi Hospital Association** - discussed comments in a letter he had provided the Board dated April 21, 2015, and requested clarification on several issues. Mr. Moore also addressed the need for an EIS.

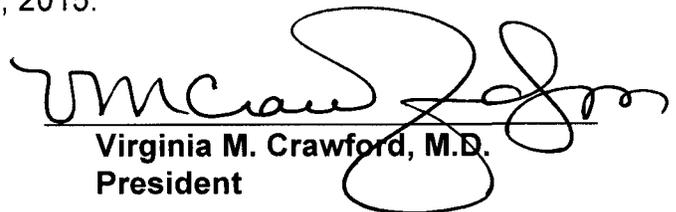
7) **Jonathan Werne - St. Dominics Hospital - Brunini Law Firm** - requested clarification on collaborative physicians and to consider 24 hour coverage by air ambulance.

Dr. Crawford thanked everyone for appearing and for their comments. Motion was made by Dr. Mayo, seconded by Dr. Miles, and carried that the Board would take the existing testimony today and our proposed regulations and refer the matter back to the telemedicine committee for review and additional recommendations at a future meeting.

A verbatim account of the oral hearing was recorded by Cathy White, Court Reporter.

ADJOURNMENT

There being no further business, the meeting adjourned at 12:40 P.M., with the next meeting scheduled for Thursday, July 16, 2015.


Virginia M. Crawford, M.D.
President

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Minutes taken and transcribed
by Sherry H. Pilgrim
Staff Officer
May 14, 2015

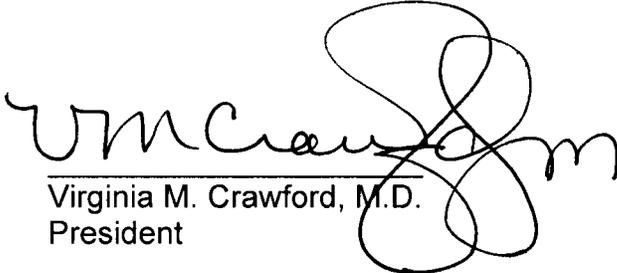
**EXECUTIVE SESSION
MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
MAY 14, 2015**

AGENDA ITEM: Discuss recommendation of EC for Dr. Seglio

In a motion made by Dr. Mayo, seconded by Dr. Miles, and carried the Board advised their acceptance of the decision made by the Executive Committee.

| <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. Mayo, seconded by Dr. Crawford, the Board came out of Executive Session.


Virginia M. Crawford, 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.

CONSENT ORDER

WHEREAS, BOYD PORTER BENEFIELD, M.D., hereinafter referred to as "Licensee," is the current holder of Mississippi Medical License Number 10941, and said license is current until June 30, 2015;

WHEREAS, the Investigative Staff of the Mississippi State Board of Medical Licensure conducted a comprehensive investigation into the medical practice of Licensee in Gulfport, Mississippi, and the surrounding area, and has documented evidence indicating that Licensee has administered, dispensed or prescribed narcotic drugs or other drugs having addiction-forming or addiction-sustaining liability otherwise than in the course of legitimate professional practice; unprofessional conduct, which includes being guilty of dishonorable or unethical conduct likely to deceive, defraud or harm the public; and violation of the Administrative Code of the Board, Part 2640 Chapter 1: "Rules Pertaining to Prescribing, Administering and Dispensing of Medication".

WHEREAS, such conduct if established following an evidentiary hearing would be deemed a violation of the Mississippi Medical Practice Act, specifically Miss Code Ann, Section 73-25-29(3), (8)(d), (13) and Section 73-25-83(a), as amended, for which the Mississippi State Board of Medical Licensure may place Licensee's medical license on probation, the terms of which may be set by the Board, suspend his right to practice

medicine for a time deemed proper by the Board, revoke said license, or take any other action 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 consented to certain restrictions placed on her license to practice medicine in the State of Mississippi;

NOW, THEREFORE, the Mississippi State Board of Medical Licensure, with the consent of Licensee as signified by his joinder herein, does hereby suspend Licensee's Certificate (No. 10941) to practice medicine in the State of Mississippi for a period of one (1) year, with the suspension stayed, subject to the following probationary terms and conditions, to-wit:

1. During the one (1) year probationary period, Licensee shall attend and successfully complete courses designated as American Medical Association approved, Category I Continuing Medical Education (CME) in the following areas: (i) proper prescribing of controlled substances; (ii) medical ethics; and (iii) proper medical record keeping; with said courses approved in advance by the Executive Director of the Board. Licensee shall attend in-person the approved structured courses as said courses will not be by correspondence, internet/ remote access, or independent study. Following completion of these courses, Licensee shall submit to the Board documentary proof of successful completion. Any credits obtained pursuant this requirement shall be in addition to the biennial forty (40) hours of Category I CME credits as cited in Chapter 07 of the Board's Rules and Regulations.

2. Notwithstanding any term or length of time recited elsewhere herein, Licensee is hereby permanently prohibited from prescribing or dispensing controlled substances to himself or family members.
3. Licensee shall obey all federal, state and local laws, and shall comply with all rules and regulations of the Board governing the practice of medicine, including:
 - a) Licensee shall maintain a complete record of his examination, evaluation and treatment of patients, including documentation of diagnosis and reason for prescribing, dispensing or administering any controlled substance; the name, strength, dosage, quantity of the controlled substance, number of refills authorized, and the date the controlled substance was prescribed, dispensed or administered.
 - b) Licensee shall not utilize pre-signed prescriptions and shall not delegate to non-physician personnel the responsibility of determining the type, dosage, form, frequency and application of controlled substances or other medication.
 - c) All written prescriptions issued by Licensee shall be dated and signed on the day when issued and shall bear the full name and address of the patient.
4. Licensee's practice of medicine shall be subject to periodic surveillance by the Mississippi State Board of Medical Licensure to monitor compliance with the rules and regulations of the Board as well as this Consent Order. The Board's Director, any member of the Board, or Investigative staff may perform an

unannounced inspection of any clinic wherein Licensee practices, which may include a chart review of selected patient files.

5. Licensee shall notify the Board within ten (10) days of any change in his practice location and/or change in employment, including leaving the State of Mississippi.
6. Should the Board hereafter receive documented evidence of Licensee violating any of the terms and conditions of the Consent Order, the Board shall have the right to remove the stay of suspension thereby suspending Licensee's certificate to practice medicine or take any other action deemed necessary by the Board, provided Licensee shall be given an opportunity for a due process hearing on the matter at the first available regular meeting date following issuance of formal charges.

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 the 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 further participation in any hearing or other resolution of the proceeding.

Acceptance and entry of this Consent Order shall constitute a full and complete resolution of all charges now pending against Licensee before the Board.

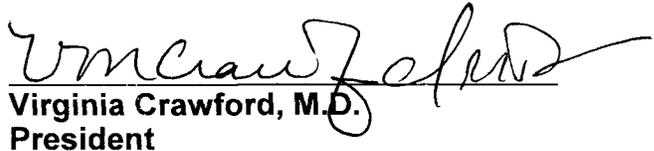
Licensee understands and expressly acknowledges that this Consent Order, if approved and executed by the Mississippi State Board of Medical Licensure, shall constitute a public record of the State of Mississippi. Licensee further acknowledges that the Board shall provide a copy of this Order to, among others, the National Practitioner Data Bank and the U.S. Drug Enforcement Administration, and the Board makes no representation as to actions, if any, which the U.S. Drug Enforcement Administration may take in response to this Order.

Recognizing his right to notice of charges specified against her, to have such charges adjudicated pursuant to Miss. Code (1972), Ann., Sections 73-25-27 and 73-25-83, 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, Boyd Porter Benefield, M.D., nonetheless, hereby waives his right to notice and a formal adjudication of charges and authorizes the Board to enter this Consent Order, thereby suspending his license to practice medicine in the State of Mississippi for a period of one (1) year from date of Board acceptance, with the suspension stayed, subject to those terms and conditions enumerated above.

Executed, this the 15th day of APRIL, 2015.


BOYD PORTER BENEFIELD, M.D.

ACCEPTED AND APPROVED, this the 14th day of May, 2015, by the Mississippi State Board of Medical Licensure.


Virginia Crawford, M.D.
President

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

CHRISTOPHER J. M. CUMMINS, M.D.

ORDER

THIS MATTER came on regularly for hearing on May 14, 2015, before the Mississippi State Board of Medical Licensure, in response to the petition of Christopher J. M. Cummins, M.D. (hereinafter "Licensee"), seeking removal of all restrictions on his license to practice medicine in the State of Mississippi. By virtue of that certain Consent Order dated November 13, 2013. 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, Christopher J. M. Cummins, M.D.

ORDERED, this the 14th of May, 2015.

**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

BERNADETTE E. SHERMAN, M.D.

CONSENT ORDER

WHEREAS, Bernadette E. Sherman, M.D., hereinafter referred to as "Licensee," is the current holder of Mississippi Medical License Number 09011, and said license is current until June 30, 2015;

WHEREAS, the Investigative Staff of the Mississippi State Board of Medical Licensure conducted a comprehensive investigation into the medical practice of Licensee in Natchez, Mississippi, and the surrounding area, and has documented evidence indicating that Licensee has administered, dispensed or prescribed narcotic drugs or other drugs having addiction-forming or addiction-sustaining liability otherwise than in the course of legitimate professional practice; committed acts of unprofessional conduct, which includes being guilty of dishonorable or unethical conduct likely to deceive, defraud or harm the public; and that Licensee has violated the Administrative Code of the Board, specifically Part 2640 Chapter 1: "Rules Pertaining to Prescribing, Administering and Dispensing of Medication";

WHEREAS, such conduct, if established following an evidentiary hearing, would be deemed a violation of the Mississippi Medical Practice Act, specifically Miss Code Ann, Section 73-25-29(3), (8)(d), and (13) and Section 73-25-83(a), as amended, for which the Mississippi State Board of Medical Licensure may place Licensee's medical license on probation, the terms of which may be set by the Board, suspend her right to

practice medicine for a time deemed proper by the Board, revoke said license, or take any other action 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 consented to certain restrictions placed on her license to practice medicine in the State of Mississippi;

NOW, THEREFORE, the Mississippi State Board of Medical Licensure, with the consent of Licensee as signified by her joinder herein, does hereby relinquish her Drug Enforcement Administration (DEA) Uniform Controlled Substances Registration Certificate (AS9405336) for Schedules II, IIN, III, IIIN, IV, and V, subject to the following terms and conditions, to-wit:

1. Within six (6) months of the effective date of this Order, Licensee shall attend and complete courses designated as American Medical Association approved, Category I Continuing Medical Education (CME) in the following areas: 1) proper prescribing of controlled substances and, 2) proper medical record keeping, with said courses approved, in advance, by the Executive Director of the Board. Licensee shall attend in-person the approved structured courses as said courses will not be by correspondence, internet/remote access, or independent study. Following completion of these courses, Licensee shall submit to the Board documentary proof of successful completion. Any credits obtained pursuant to this requirement shall be in addition to the biennial forty (40) hours of Category I CME credits as cited in Part 2610 Chapter 2 of the Board's Rules Administrative Code.

2. Licensee shall have the right, but not the obligation, to petition the Board after expiration of one (1) year from the effective date of this order, to seek return of Controlled Substance privileges in Schedules III, IIIN, IV and V, with exception of Phenergan with codeine and benzodiazepines. In such an event, the Board reserves the right to utilize and consider all facts and documents now in its possession or any other information which the Board may hereinafter obtain as to Licensee; and the Board shall have the right in its sole and absolute discretion to determine those privileges, if any, to be returned. Thereafter, Licensee shall then have the right at reasonable intervals, but no sooner than one (1) year from the date of last appearance, to petition the Board for return of Controlled Substances privileges in all remaining schedules.
3. Licensee's practice of medicine shall be subject to periodic surveillance by the Mississippi State Board of Medical Licensure to monitor compliance with the rules and regulations of the Board as well as this Consent Order. The Board's Director, any member of the Board, or Investigative staff may perform an unannounced inspection of any clinic wherein Licensee practices, which may include a chart review of selected patient files.
4. Pursuant to Miss. Code Ann., Section 73-25-30, Licensee shall pay all such investigative costs as are allowed by law. 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 the date the assessment is mailed via U.S. Mail to Licensee's current primary practice location.

5. Violation of any provision(s) of the Medical Practice Act, the Mississippi Controlled Substances Law, the rules and regulations of the Board, or any provision of this Order, shall be grounds for immediate suspension of license.

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 the 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 further participation in any further proceeding.

Acceptance and entry of this Consent Order shall constitute a full and complete resolution of all charges now pending against Licensee before the Board.

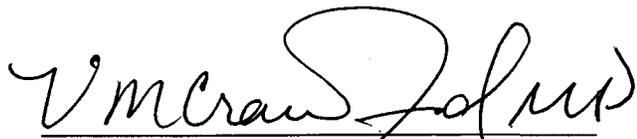
Licensee understands and expressly acknowledges that this Consent Order, if approved and executed by the Mississippi State Board of Medical Licensure, shall constitute a public record of the State of Mississippi. Licensee further acknowledges that the Board shall provide a copy of this Order to, among others, the National Practitioner Data Bank and the U.S. Drug Enforcement Administration, and the Board makes no representation as to actions, if any, which the U.S. Drug Enforcement Administration may take in response to this Order.

Recognizing her right to notice of charges specified against her, to have such charges adjudicated pursuant to Miss. Code Ann, Sections 73-25-27 and 73-25-83, to be represented therein by legal counsel of her choice, and to a final decision rendered upon written findings of fact and conclusions of law, Bernadette E. Sherman, M.D., nonetheless, hereby waives her right to notice and a formal adjudication of charges and authorizes the Board to enter this Consent Order, thereby relinquishing her Drug Enforcement Administration Uniform Controlled Substance Registration Certificate (AS9405336) for schedules II, IIN, III, IIIN, IV, and V, subject to those terms and conditions enumerated above.

EXECUTED, this the 14 day of ^{MAR 15,} March, 2015.


BERNADETTE E. SHERMAN, M.D.

ACCEPTED AND APPROVED this the 14th day of May, 2015, by the Mississippi State Board of Medical Licensure.


VIRGINIA E. CRAWFORD, M.D.
PRESIDENT

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN'S LICENSE

OF

HOSAN MENANYA AZOMANI, M.D.

CONSENT ORDER

WHEREAS, HOSAN MENANYA AZOMANI, M.D., hereinafter referred to as "Licensee," is the current holder of Medical License Number 18728, issued November 1, 2004, to practice medicine in the State of Mississippi;

WHEREAS, Licensee was indicted for Thirteen (13) Counts of Medicaid Fraud by a Washington County, Mississippi Circuit Court Grand Jury on January 13, 2014;

WHEREAS, Licensee on November 1, 2014, was convicted by a Washington County Circuit Court Jury on Count I and Count II of the indictment for the crime of Medicaid Fraud. Licensee was sentenced on December 23, 2014, to Count I: three (3) years in the custody of the Mississippi Department of Corrections; suspend execution, to be served as one (1) year supervised probation followed by two (2) years unsupervised probation and pay court cost and assessments; \$6,621.37 as the amount received in Count I of the indictment and \$8094.39 as the amount received in Count II of the indictment both payable to the State of Mississippi Division of Medicaid; and \$44,147.28 as treble damages authorized by the Medicaid Fraud Control Act: Miss. Code Ann. §43-13-225 payable to the State of Mississippi. As to Count II: three (3) years in the custody of the Mississippi Department of Corrections, suspend execution, to be served as one (1) year supervised probation followed by two (2) years

unsupervised probation. Count II is concurrent to the sentence in Count I. The Defendant (Licensee) shall complete 100 hours of community service.

WHEREAS, such conduct, if established in a due process hearing before the Board, would constitute conviction of a felony or misdemeanor involving moral turpitude, a certified copy of the conviction order or judgment rendered by the trial court being prima facie evidence thereof, and unprofessional, dishonorable or unethical conduct likely to deceive or defraud the public; all in violation of Miss. Code Ann., Subsections (6), and (8)(d) of §73-25-29, being 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, it is the desire of Licensee to avoid an evidentiary hearing before the Board and has agreed to enter into this Consent Order subject to the terms, conditions and restrictions as specified below;

NOW, THEREFORE, the Mississippi State Board of Medical Licensure, with the consent of Licensee as signified by his joinder herein, does hereby suspend Licensee's Certificate (Number 18728) to practice medicine in the State of Mississippi for (3) three years:

1. Notwithstanding expiration of the three (3) year suspension period, Licensee shall not be authorized to return to the practice of medicine until such time as he undergoes an evaluation at the Center for Professional Education for Physicians (CPEP) in Denver, Colorado or other Board approved physician clinical skills assessment program to assure post-licensure competency pursuant to the Board Administrative Code Part 2601 Chapter 1, Rule 1.3.

2. At all times during the suspension period, Licensee shall attend and successfully complete the required forty (40) hours of Category 1 Continuing Medical Education (CME) credits required by Board regulation. In addition, Licensee shall attend and successfully complete a Continuing Medical Education (CME) course in medical ethics. The CME course required herein shall be American Medical Association (AMA) approved Category 1 credits. Licensee will be required to be on-site while taking any and all CME courses, as courses cannot be taken on-line or by other means.
3. At such time as Licensee is authorized by board order to return to practice, Licensee's medical practice shall be subjected to periodic surveillance. The Board's Director, any member of the Board, or Investigator of the Board may perform an unannounced inspection of any clinic wherein Licensee practices, which may include review of selected patient files. The right of the Board to conduct periodic surveillance as provided herein shall run indefinitely notwithstanding expiration of this order.
4. Licensee shall obey all federal, state and local laws, and all rules and regulations governing the practice of medicine.
5. 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 \$10,000.00. Licensee shall be advised of the total assessment by separate written notification, and shall tender to the Board a certified check or money order before forty (40) days from the date the assessment is mailed to Licensee via U.S. Mail.

6. 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 to summarily suspend Licensee's certificate to practice medicine without a hearing, provided Licensee shall be given an opportunity for a due process hearing on the matter at the first available regular meeting date following issuance of the summary suspension.

This Consent Order shall be subjected 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, 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 further participation in any hearing or other resolution of the proceeding. 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 National Practitioner Data Bank and the U.S. Drug Enforcement Administration, and the Board makes no representation as to action, if any which the U.S. Drug Enforcement Administration 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. Section §73-25-27, to be represented therein by legal counsel of his choice, and to a final decision rendered upon written finding of fact and conclusions of law, HOSAN MENANYA AZOMANI, M.D.,

nonetheless, hereby waives his right to notice and a formal adjudication of charges, thereby placing the above enumerated terms, conditions and restrictions on hi license to practice medicine in the State of Mississipl.

EXECUTED this the 14th day of May, 2015.



HOSAN MENANYA AZOMANI, M.D.

ACCEPTED AND APPROVED this the 14th day of May, 2015, by the Mississippi State Board of Medical Licensure.



VIRGINIA M. CRAWFORD, M.D.
PRESIDENT