



This is the 2nd issue of a newsletter to be published at least bi-annually by the Mississippi State Board of Medical Licensure. The newsletter will be distributed to all licensees; other in-state health care boards and associations; hospitals; other state licensing boards. The newsletter will serve to inform licensees of pertinent board functions and activities.

BOARD MEMBERS

The Mississippi State Board of Medical Licensure is composed of nine physicians appointed by the governor. Each physician must have at least six years experience in the practice of medicine to be eligible for appointment.

W.W. Walley, M.D., President, Waynesboro.....Family Practice
Walter H. Rose, M.D., Vice President, Indianola.....Family Practice
Matthew J. Page, M.D., Secretary, Greenville.....Family Practice
Billy Wayne Long, M.D., Jackson.....Gastroenterology
John Purves McLaurin, Jr., M.D., Oxford.....Obstetrics-Gynecology
Joseph R. Mitchell, M.D., Gulfport.....Obstetrics-Gynecology
T. Steve Parvin, M.D., Starkville.....General Surgery
John L. Pendergrass, M.D., Hattiesburg.....Ophthalmology
Richard F. Riley, M.D., Meridian.....General Surgery
Frank J. Morgan, Jr., M.D., M.P.H.....Executive Officer

HOW THE BOARD CAN BE CONTACTED

Address: Mississippi State Board of Medical Licensure
2688-D Insurance Center Drive
Jackson, MS 39216
(601) 354-6645
FAX (601) 987-4159

- Questions regarding practice issues, interpretation of the law or rules and regulations, disciplinary issues and Board policies should be addressed to the Board through: Frank J. Morgan, Jr., M.D., Executive Officer
- Licensing application requests and initial licensing questions should be addressed to: Laura McLain, Licensing Officer
- FLEX and SPEX application requests and questions should be addressed to: Evelyn Pitts, Administrative Assistant
- Compliants should be filed with: Richard P. Allison, Chief Investigator
- Renewal questions or problems may be directed to the staff

BOARD MEETINGS AND HEARINGS by statue, are open to the public. Meeting dates are as follows: November 21, 1991; January 16, 1992; March 19, May 21, July 16, September 17 and November 19, 1992.

USE OF DIET MEDICATION

A. Pursuant to Miss. Code Ann. Section 41-29-139(e), it is unlawful for any physician in this State to prescribe, dispense or administer any amphetamine or amphetamine-like anorectic and/or central nervous system stimulant classified as Schedule II, pursuant to Section 41-29-115, for the exclusive

treatment of obesity, weight control, or weight loss.

B. As to the administration, dispensing or prescribing of amphetamine or amphetamine-like anorectics and/or central nervous system stimulants classified in Schedules III, IV and V, use of said medications in the treatment of obesity or weight loss should be done with caution. A physician may administer, dispense or prescribe said medications for the purpose of weight loss in the treatment of obesity only as an adjunct to a regimen of weight reduction based on caloric restriction, provided, that all of the following conditions are met:

(1) Before initiating treatment utilizing a Schedule III, IV or V controlled substance, the physician determines through review of his own records of prior treatment, or thorough review of the records of prior treatment which another treating physician or weight-loss program has provided to the physician, that the patient has made a substantial good-faith effort to lose weight in a treatment program utilizing a regimen of weight reduction based on caloric restriction, nutritional counselling, behavior modification, and exercise, without the utilization of controlled substances, and that said treatment has been ineffective.

(2) Before initiating treatment utilizing a Schedule III, IV or V controlled substance, the physician obtains a thorough history, performs a thorough physical examination of the patient, and rules out the existence of any recognized contraindications to the use of the controlled substance to be utilized. "Recognized contraindication" means any contraindication to the use of a drug which is listed in the United States Food and Drug Administration (hereinafter, "F.D.A.") approved labeling for the drug.

(3) The physician shall not utilize any Schedule III, IV or V controlled substance when he knows or has reason to believe that a recognized contraindication to its use exists.

(4) The physician shall not utilize any Schedule III, IV or V controlled substance in the treatment of a patient whom he knows or should know is pregnant.

(5) The physician shall not initiate or shall discontinue utilizing all Schedule III, IV or V controlled substances immediately upon ascertaining or having reason to believe:

(a) That the patient has failed to lose weight while under treatment with a controlled substance or controlled substances over a period of thirty (30) days, which determination shall be made by weighing the patient at least every thirtieth (30th) day, except that a patient who has never before received treatment for obesity utilizing any controlled substance who fails to lose weight during his first such treatment attempt may be treated with a different controlled substance for an additional

Use of Diet Medication continues

thirty (30) days, or

(b) That the patient has developed tolerance (a decreasing contribution of the drug toward further weight loss) to the anorectic effects of the controlled substance being utilized, or

(c) That the patient has a history of or shows a propensity for alcohol or drug abuse, or

(d) That the patient has consumed or disposed of any controlled substance other than in strict compliance with the treating physician's directions.

(6) The physician shall not issue a prescription or dispense for any greater than a thirty (30) day supply of controlled substances.

(7) Because the use of anorectic agents in the management of exogenous obesity is recommended only as a short term adjunct (within a few weeks) and due to the fact that tolerance to the anorectic effect usually develops within a few weeks, use of controlled substances in Schedules III, IV and V for weight loss shall not exceed a period of time greater than sixty (60) days, during any twelve (12) month period.

C. A physician shall not utilize a Schedule III, IV or V controlled substance or legend drug for purposes of weight loss unless it has a F.D.A. approved indication for this purpose and then only in accordance with all of the above enumerated conditions. The purpose of this rule is to prohibit the use of such drugs as diuretics and thyroid medications for the sole purpose of weight loss.

THE "RED BOOK" REGULATIONS

How many times has the Board staff heard, "I never received a copy of the Board regulations"! This has been a frequent observation/argument/defense offered by Licensees. One physician made an appeal to the Medical Board to assist in seeking a special Legislative appropriation to provide money for certified mailing of all Board documents to Licensees. In reality, the number of returned, nondelivered booklets was minuscule after the booklets were mailed in October, 1990. The Board strongly recommends that Licensees locate their red regulation booklets and read carefully each section.

The booklet is beneficial not only for the regulations, but also for providing a sample inventory and accountability system in the back for use by the Licensee handling controlled substances. Included in the inventory system is a listing of controlled substances, alphabetically by schedule. Each alphabetized group of drugs has blank lines provided for the Licensee or staff to add new drugs to the list as they become available for use.

Just a reminder — Licensees might wish to add immediately to their Schedule III portion of the regulation booklet the listing of anabolic steroids, contained in this newsletter.

The red booklet means communication, management and care. The Medical Board wants to communicate with its Licensees concerning laws and regulations in order to avoid problems. It establishes the regulations to help insure proper management of patients and reinforces with physicians the standards for appropriate care.

RELEASE OF MEDICAL RECORDS: Should I? Could I? Would I?

RELEASE OF MEDICAL RECORDS: Should I? Could I? Would I?
AUTHORITY: CHAPTERS 25 and 27, TITLE 73 AND CHAPTER 29,
TITLE 41, MISSISSIPPI CODE (1972) ANNOTATED

I. SCOPE:

These regulations apply to all individuals licensed to practice medicine, osteopathic medicine or podiatric medicine in the State of Mississippi.

II. DEFINITIONS AS USED IN THESE REGULATIONS:

A. For the purpose of this regulation only, "physician" means any person licensed to practice medicine, osteopathic medicine or podiatric medicine in the State of Mississippi.

B. "Medical records" means all records and/or documents relating to the treatment of a patient, including, but not limited to, family histories, medical histories, report of clinical findings and diagnosis, laboratory test results, X-rays, reports of examination and/or evaluation and any hospital admission/discharge records which the physician may have.

C. "Patient" means a natural person who receives or should have received health care from a licensed physician, under a contract, express or implied, whether or not the physician is compensated for services rendered.

D. "Legal representative" means an attorney, guardian, custodian, or in the case of a deceased patient, the executor/administrator of the estate, surviving spouse, heirs and/or devisees.

III. MEDICAL RECORDS - PROPERTY OF PHYSICIAN/ CLINIC:

Medical records, as defined herein, are and shall remain the property of the physician or physicians, in whose clinic or facility said records are maintained, subject, however, to reasonable access to the information contained in said records as set forth hereinbelow.

IV. TRANSFER OF PATIENT RECORDS TO ANOTHER PHYSICIAN:

A physician who formerly treated a patient shall not refuse for any reason to make the information contained in his medical records of that patient available upon request by the patient or legal representative of the patient, to another physician presently treating the patient. The physician has a right to request a written release from the patient or legal representative of the patient, authorizing the transfer prior to transfer of said documents. Upon receipt of the written release and authorization, the physician must tender either a copy of said documents or a narrative summary of the same to the other physician within a reasonable period of time. Transfer of said documents shall not be withheld because of an unpaid bill for medical services, but the physician is entitled to reasonable compensation paid in advance for any copy expenses not to exceed one dollar (\$1.00) per page.

V. RELEASE OF PATIENT RECORDS TO PATIENT:

A physician shall, upon request of the patient or patient's legal representative, provide either a copy of a patient's medical record or a narrative summary of the same to the patient or to the patient's legal representative; provided, however, where release of psychiatric/psychological records directly to a patient would be deemed harmful to the

Release of Medical Records continues

patient's mental health or wellbeing, the physician shall not be obligated to release said records directly to the patient, but shall, upon request, release the same to the patient's legal representative. The physician has a right to request a written authorization prior to release of said documents. Upon receipt of the written release and authorization, the physician must tender either a copy of said documents or a narrative summary of the same to the patient or to the patient's legal representative within a reasonable period of time. Transfer of said documents shall not be withheld because of an unpaid bill for medical services, but the physician is entitled to reasonable compensation paid in advance for any copy expenses not to exceed one dollar (\$1.00) per page.

VI. VIOLATION OF REGULATIONS:

A refusal by a physician to release patient records as enumerated above shall constitute unprofessional conduct, dishonorable or unethical conduct likely to deceive or fraud or harm the public in violation of Miss. Code Ann. §73-25-29(8)(d), as amended.

VII. EFFECTIVE DATE OF REGULATION:

The above rules and regulations pertaining to release of patient records shall become effective November 1, 1990.

ACTIONS BY THE BOARD - January 1, 1991 through August 31, 1991

Chepko, Milan D. (Lic. # 10926) - Jackson

License revoked on the basis of conviction in U.S. District Court, Southern District of Mississippi, Jackson Division, of a felony or misdemeanor involving moral turpitude. Action January 17

Burchak, Edward Carl, M.D. (Lic #9355) Jackson

Granted permission to reregister for prescribing privileges in Schedules III and III N, of his DEA certificate. Retains privileges in Schedules IV and V. Action January 17

Pitre, Wayne Michael, M.D., (Lic #9371) Vicksburg

License suspended, suspension stayed and placed on probation for three(3) years after being found guilty of habitual personal use of narcotic drugs or other drugs having addiction-forming or addiction-sustaining liability. Action January 17

Bearry, John Houston, M.D., (Lic #8305) Brandon

Approved plan of practice provided that he meets certain requirements of the Board. License remains under probationary terms and conditions as set out in the Order dated November 16, 1990. Action January 17

Williams, Marshal Ney, Jr., M.D. (Lic #2836) Aberdeen

Accepted the voluntary unconditional surrender of medical license. Action Mar. 21

Dudley, William Hines Colbert, Jr. (Lic #3317) Meridian

License revoked after being found guilty of habitual use of intoxicating liquors or any beverage to the extent which affects professional competency and unprofessional conduct, which includes being guilty of dishonorable or unethical conduct likely to deceive, defraud or harm the public (inappropriate sexual contact with patients). Action March 21

Walker, Joe Wayne, M.D., (Lic #4873) Water Valley

License revoked after being found guilty of administering, dispensing or prescribing narcotic drugs or other drugs having addiction-forming or addiction-sustaining liability otherwise than in the course of legitimate professional practice; unprofessional conduct; and habitual personal use of narcotic drugs or other drugs having addiction-forming and/or addiction-sustaining liability. Action March 21

Brown, Sidney O'Neil, M.D. (Lic #8706) Gulfport

License revoked after being found guilty of administering, dispensing or prescribing narcotic drugs or other drugs having addiction-forming or addiction-sustaining liability otherwise than in the course of legitimate professional practice; unprofessional conduct including dishonorable or unethical conduct likely to deceive, defraud or harm the public; and violation of the rules and regulations of the Board pertaining to prescribing, administering and dispensing of medication. Action March 21.

Burk, John Davis, M.D., (Lic #7919) Tupelo

License revoked after being found guilty of administering, dispensing or prescribing 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 dishonorable or unethical conduct likely to deceive, defraud or harm the public; and violation of the rules and regulations of the Board "Pertaining to Prescribing, Administering and Dispensing Medication." Action April 18

Hooper, Pleasant Fite, M.D., (Lic #9974) Natchez; Jackson

License revoked after being found guilty of administering, dispensing or prescribing 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 dishonorable or unethical conduct likely to deceive, defraud or harm the public; and violation of the rules and regulations of the Board "Pertaining to Prescribing, Administering and Dispensing Medication." Action April 18

ANABOLIC STEROIDS PLACED IN SCHEDULE III

Effective February 27, 1991, Anabolic Steroids have been placed in Schedule III of the Controlled Substances Act.

As with any controlled substance, there are requirements for inventory, recordkeeping, prescription refills and security. Please refer to your regulation booklet.

The list of Anabolic Steroids included are:

- 1) boldenone
- 2) chlorotestosterone
- 3) clostebol
- 4) dehydrochlormethyltestosterone
- 5) dihydrotestosterone
- 6) drostanolone
- 7) ethylestrenol
- 8) fluoxymesterone
- 9) formebulone
- 10) mesterolone
- 11) methandienone
- 12) methandranone
- 13) methandriol
- 14) methandrostenolone
- 15) methenolone
- 16) methyltestosterone
- 17) mibolerone
- 18) nandrolone
- 19) norethandrolone
- 20) oxandrolone
- 21) oxymesterone
- 22) oxymetholone
- 23) stanolone
- 24) stanoxolol
- 25) testolactone
- 26) testosterone
- 27) trenbolone
- 28) any salt, ester, or isomer of a drug or substance described or listed in this paragraph, if that salt, ester, or isomer promotes muscle growth.

Questions related to this change in the scheduling of anabolic steroids should be directed to Richard P. Allison, Chief Investigator, Mississippi State Board of Medical Licensure. (601) 354-7190.

Attix, Edward Allen, M.D., (Lic #3993) Hattiesburg

License suspended, suspension stayed and placed on probation for three (3) years after being found guilty of administering, dispensing or prescribing narcotic drugs or other drugs having addiction-forming or addiction-sustaining liability otherwise than in the course of legitimate professional practice, unprofessional conduct, including dishonorable or unethical conduct likely to deceive, defraud or harm the public; and violation of the rules and regulations of the Board "Pertaining to Prescribing, Administration and Dispensing of Medication." Action May 9

Foster, Harmon Aultman, M.D. (Lic #3323) Beaumont

Denied reinstatement of revoked medical license until he submits to a complete psychiatric and psychological evaluation performed by a psychiatrist approved by the Board. Action May 9

Breland, Loren Dewey, Jr., M.D. (Lic #4320) New Augusta

Denied request for permission to reregister for part or all of controlled substances registration certificate (DEA). Action May 9

Irby, Henry Edward, M.D. (Lic #4684) Jackson

Denied request for removal of restrictions from medical license. Action May 9

Carr, Gary Dwain, M.D., (Lic #10683) Hattiesburg

All restrictions removed from medical license. Action May 9

Moses, Walter Carl, Jr., M.D. (Lic #8394) Greenwood

Granted permission to reregister for Schedules III and IIIN of DEA certificate. Retains privileges in IV and V. Action May 9

Mississippi State Board of Medical Licensure

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Actions By The Board-Jan. 1, 1991 thru Aug. 31, 1991 (Continued)

Gomez, Romeo, M.D. (Limited Institutional License #278) Meridian
Denied request for an additional 2-year waiver to practice medicine at East Mississippi State Hospital under a Limited Institutional License (LIL). Dr. Gomez was granted a 2-year waiver by the Board on May 18, 1989 encouraging him to take necessary steps to meet requirements for permanent licensure. Action May 9

Conway, John W., III, M.D. (Lic #4490) Moss Point
Request for reinstatement of revoked medical licensue placed in abeyance until such time as he meets certain requirements of the Board which include certified copies of actions in the State of West Virginia; submits to a complete psychiatric and psychological evaluation by a psychiatrist approved by the Board and passes the Federation Licensing Examination (FLEX). Action May 9

George, Joseph Antoine, M.D., (Lic #3194) Rayne, LA
Accepted voluntary surrender of medical license following action taken by the Louisiana State Board of Medical Examiners. Action May 9

Norris, Dale Wayne, M.D. (Lic #10896) Germantown, TN
License suspended indefinitely, suspension stayed and license placed on probation based on action taken by the Tennessee Department of Health and Environment, Board of Medical Examiners, after pleading guilty in Criminal Court of Shelby County, Tennessee to the offense of unlawful possession of a controlled substance, to-wit, Cocaine, and two counts of assault and battery on females. Action May 9

Okunoren, Olufemi Olusola, M.D. (Lic #8027) Ridgeland
License revoked as a result of having received a Final Sanction Notice imposed by the United States Department of Health and Human Services, Office of the Inspector General, based on a finding of failure to meet professionally recognized standards of care. Action July 18

Majeau-Chargois, Deborah, M.D. (Lic #10590) Bay St. Louis
Prohibited from practicing medicine in Mississippi until such time as a hearing is held. Based on outcome of action by the State of Louisiana having in its possession sufficient evidence to show that licensee's continued practice of medicine would

constitute an immediate danger to the public. Louisiana Medical Board suspended licensee's license until a hearing could be held. Action July 18

Montalvo, Jose M. Burgos, M.D. (Lic #4544) Memphis, TN
Denied request for reinstatement of revoked medical license. Hearing scheduled for November 1991 meeting of the Board. Action July 18

Powers, Robert Edward, M.D. (Lic #9728) Coldwater
Denied Plan of Supervised Practice. Licensee required to complete a 12-month approved training program in Anesthesiology before returning to the Board requesting a change in practice location. Also directed to continue association with Caduceus Club of Mississippi by contract. Action July 18

Newcomb, Martin Murphree M.D. (Lic #6754) Jackson
Removed all restrictions from medical license. July 18

Caine, Curtis Webb, Jr., M.D., (Lic #5964) (deceased) Jackson
License restricted January 18, 1990. Restrictions removed July 18, 1991. Unable legally to reinstate medical license of deceased physician. Action July 18

Camatsos, George John, M.D., (Lic #6987) Natchez
License revoked after being found guilty of 33 counts of violation of the Medical Practice Act, including administering, dispensing or prescribing 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 Rules and Regulations of the Board pertaining to "Prescribing, Administration and Dispensing of Medication." Action August 22

Chancery Court Injunction
The Board filed a Complaint for Injunctive Relief and Affidavit through its attorney, Mike Moore, Attorney General, State of Mississippi, in the Chancery Court of Washington County, Mississippi against Joseph P. Potera, O.D., Greenville and received an Order signed by Chancellor Nathan P. Adams, Jr., Washington County, Mississippi, which, among other things, enjoined Dr. Potera from practicing and/or engaging in the unlicensed practice of medicine. Action August 22

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MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
CHANGE OF ADDRESS NOTICE
(Please print or type all information)

Date _____ MS Medical License # _____

NAME _____

NEW MAILING ADDRESS: Indicate your usual practice location address (being the primary office wherein you spend the majority of your practice time)

Telephone Number _____

Indicate other practice Location Addresses _____

Mail the above notice to: **Mississippi State Board of Medical Licensure**
2688-D Insurance Center Drive
Jackson, MS 39216