



# ALABAMA State Board of Medical Examiners Medical Licensure Commission

## Newsletter and Report

www.albme.org

January – May 2013

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## 2011 Immigration Act requires proof of citizenship for physician licensure

by Larry Dixon, Executive Director

In the 2011 session of the Alabama Legislature, the Beason-Hammon Immigration Act passed. One section of the law requires that all recipients of any state benefit prove American citizenship or legal immigrant status. The definition of a state benefit includes professional licensure. The reason that the Board of Medical Examiners (BME) is now asking physicians to prove their citizenship or legal status two years after the act passed is because the application to use the Systematic Alien Verifications for Entitlement (SAVE) system took from October 2011 until March 2013 to be approved. Verifying documents through the SAVE system is required in the law. The BME is now approved for SAVE, and all documents must be sent there for verification. Therefore, according to the Act, before we can renew licenses for the 2014 year, every physician licensed in the state of Alabama must have been processed for citizenship or legal status, and proof of documentation must be in the doctor's file. Upon Board authorization of the letter, the BME mailed 16,000 first-class letters to licensed physicians in the middle of May.

A quick turnaround was required as we are required to deal with the federal government and the Department of Homeland Security. Experience has taught us the federal government works on a different time schedule. The Board knew there would be so much information to process, including those thousands of foreign nationals whose documentation must be run through the SAVE program, that when the 2014 renewal process begins in October, there wouldn't be time to process and verify these documents and renew licenses simultaneously. Until these documents are processed and our database reflects citizenship status or legal immigrant status, no one will be allowed to renew their licenses. Therefore, we put a time limit on the turnaround. It was designed to prompt as many physicians as possible to send in their documentation in a timely manner so we could work the process out and the Board could begin to coordinate with the Department of Homeland Security. It is a very difficult process. It has angered many physicians licensed in this state. It is not something the BME chose to do. It is a state law requirement with which we must comply.

## Drug Abuse and Diversion package becomes law

by Niko Corley, MASA government relations manager

House Bills 150, 151 and 152 by Rep. April Weaver passed the Alabama Legislature and were signed by Gov. Bentley into law. The three-bill package was proposed as a way to fight prescription drug abuse and diversion in Alabama.

The package focuses on three key areas, all of which will work together to comprehensively tackle this growing problem in the state:

- Regulating pain management services in the state;
- Making the Prescription Drug Monitoring Program more efficient; and,
- Stopping the practice of “doctor-shopping” for prescription drugs.

### Pain Management Act

The first bill in the three-bill package is House Bill 150,

see *Drug Abuse and Diversion*, page 3

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## A Message from the Executive Director Nurse practitioner prescribing legislation passes

by Larry Dixon, Executive Director

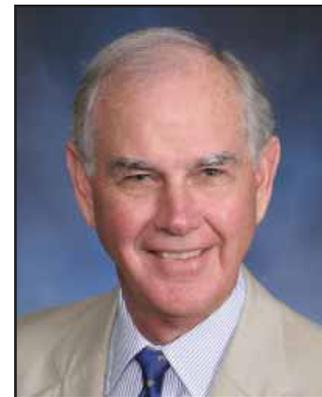
The Alabama Legislature has passed Senate Bill 229 by Sens. Greg Reed, Del Marsh and Jabo Waggoner – the Nurse Practitioner Prescribing Legislation that gives a nurse practitioner (NP) and a nurse midwife (NM) in a collaborative practice with a physician the authority to prescribe controlled substances in Schedules III, IV and V. The system devised by the Board of Medical Examiners (BME) and the Nurse Practitioner Alliance of Alabama (NPAA) will be similar to what is currently in place for physician assistants (PAs) whereas a PA in a collaborative agreement with a physician can prescribe Schedules III, IV and V drugs without a collaborating physician's review or signature, provided such is agreed to in the Collaborative Practice Agreement. The bill is the culmination of many years' work between the BME and the NPAA, and the legislation vests the BME with the regulatory authority to issue Qualified Alabama Controlled Substance Certificates (QACSCs) to NPs and NMs who qualify.

Senate Bill 229 passed both the Alabama House and Senate nearly unanimously. The only opposition to the legislation came from the Nursing Board that stated it was in favor of the legislation but wanted to be the regulatory agency to issue QACSCs. The BME, with its more than 50 years of experience in controlled substance certification, was the natural choice to ensure those qualifying for a QACSC under this new law would receive that certification as smoothly and quickly as possible.

The legislation requires 12 CME credits in advanced pharmacology and prescribing trends and four more credits every two years in order to renew the QACSC. The currently scheduled pharmacology seminars are for July 13-14 at the Wynfrey Hotel in Birmingham, and August 9, 10 and 11 at the Perdido Beach Resort in Orange Beach.

Those physicians in collaborative practices with NPs interested in obtaining a QACSC can register for either of these conferences at the Medical Association website, [www.masalink.org](http://www.masalink.org). NPs are also able to register for the conference online by clicking on Education and selecting Prescribing Controlled Drugs from the menu on the left. Or a registration form may be printed and faxed to (334) 269-5200.

The BME views this new law, which builds upon the highly successful collaborative practice model, as a major step forward in the continued provision of quality health care for the citizens of the state of Alabama.



Larry Dixon

### Your Medical License

As a physician, your license to practice medicine in the State of Alabama is one of your most important assets. It allows you to apply what you learned during years of school and post-graduate training to earn a livelihood to support your family. Exercise care to protect this asset.

## Drug Abuse and Diversion, cont.

the “Pain Management Act,” which regulates the practice of pain management by physicians. The act gives the Board of Medical Examiners (BME) the authority to adopt rules to address the prescription drug epidemic from the physician’s side for those who are “bad actors,” but the Act is not intended to interfere with physicians treating patients with legitimate pain issues.

Under the Act, “pain management services” are defined as those medical services that involve the prescribing of controlled substances in order to treat chronic nonmalignant pain by a physician who treats pain. Therefore, physicians providing pain management services, as well other physicians meeting criteria to be set by the Board, must obtain an annual registration from the BME for each practice location where pain management services are provided.

The act also requires pain management services to only be provided at those locations owned and operated by physicians, those owned by a governmental body or those owned by a business registered with the Secretary of State. Each location where pain management services are provided must have a physician as the medical director and each physician practicing in these locations must sign up for and use the Prescription Drug Monitoring Program.

The act also provides that if the BME finds a danger exists to the public health, safety or welfare because of the activity of a physician, his or her pain management services registration can be immediately suspended. The BME may act by suspending the registration of that physician without a pre-suspension hearing and holding a post-suspension hearing at a later date. If a physician providing pain management services fails to register with the BME, he or she may be punished with a fine up to \$10,000. Other violations of the act are punishable by a fine of up to \$1,000 per violation and revocation of the registration.

### Prescription Drug Monitoring Program update

The second bill in the three-bill package is House Bill 151, the Prescription Drug Monitoring Program (PDMP) update. This update to the PDMP will allow physicians to better monitor the prescriptions they write and the prescriptions written by those authorized to do so under their supervision. The new law will provide physicians flexibility to spend more time with patients by allowing them to designate two employees under their supervision the authority to access the PDMP on their behalf.

The updates to the PDMP in the act will allow Medicaid access to the database for inquiries concerning prescription abuse by Medicaid recipients. The law will also allow interoperability between Alabama’s PDMP, other states and

the Department of Justice, and allow law enforcement to access the database in certain circumstances in order to help combat prescription drug abuse and diversion.

### The “doctor shopping” bill

The third bill in the three-bill package is HB 152, which deals with the practice of “doctor shopping” by patients. The new law will criminalize “doctor shopping,” or the practice by some patients of going from one physician to another or one emergency department to another obtaining the same or similar controlled drug prescriptions at the same time.

Initial convictions for “doctor shopping” are Class A misdemeanors with a fourth conviction in a five-year period constituting a Class C felony. The relationship between physician and patient will not be infringed upon because the law states an individual would have to attempt to “deceptively” obtain the multiple controlled substance prescriptions within a “concurrent time period” in order for charges of “doctor shopping” to be brought.

## James Benton Hulett

July 18, 1942 – June 23, 2013



Jim Hulett, director of the BME Physician Monitoring Program until his retirement in 2011, passed away June 23, 2013, at his home in Montgomery.

Jim started the Physician Monitoring Program in May of 1990. He came to the Board from his position as Executive Director of the Southeast Hospital Association. Over the years, as he developed the Board’s monitoring program, he personally worked with hundreds of physicians. Jim also worked very closely with the Alabama Physician’s Health Program (APHP) through his relationships with the Medical Association APHP Directors Dr. Gerald L. Summer (deceased) and Dr. Greg E. Skipper.

Jim loved his work at the Board and developed personal relationships with most of the doctors he monitored over the 22 years he served the Board of Medical Examiners and the recovering physicians of Alabama.

His many friends and coworkers at the Board extend their deepest sympathies to Jim’s wife, Cecily (Cissy).

## Prescribing and Pharmacology of Controlled Drugs: Critical Issues and Common Pitfalls

### The Alabama Board of Medical Examiners present Prescribing and Pharmacology of Controlled Drugs: Critical Issues and Common Pitfalls.

Controlled substances are prescribed and dispensed today at an increasing rate to help patients cope with pain, insomnia, anxiety, depression, obesity and a myriad of other disorders. Studies show that most practitioners are rather conservative when prescribing controlled drugs, while a small number are at times overly aggressive. In addition, controlled prescription medications are falling into the hands of increasing numbers of prescription drug abusers.

How can the practitioner more effectively understand the pharmacologic profiles for controlled drugs, identify diagnostic criteria for appropriate prescribing and consider the therapeutic implications of specific substance abuse by individual patients? This intensive course was developed to enhance the physician's ability to effectively prescribe controlled medications, while minimizing their misuse when possible. It was also designed to incorporate all FDA-mandated REMS requirements.

**Registration:** Register online at [www.masalink.org](http://www.masalink.org) or print a registration form and fax it to (334) 269-5200.

**Questions?** Contact MASA's Education Department at (334) 954-2500 or (800) 239-6272.

#### Dates, Locations and Hotel Accommodations

##### July 13-14

Hotel: Hyatt Regency  
Birmingham The Wynfrey  
Hotel (*Formerly The Wynfrey  
Hotel*). Call (800) 996-3739  
and reference room block  
ID **MASA2013R**. Room block  
closes June 24.

##### August 9, 10 and 11

Hotel: Perdido Beach Resort,  
Orange Beach. Call (800)  
634-8001 and reference the  
Medical Association of the  
State of Alabama or ID **#9861**  
for room block. Room block  
closes July 8.

## Public Actions, cont.

◆ On May 3, the Commission placed on indefinite suspension the license to practice medicine in Alabama of **William Ricardo Montiel, MD**, license no. MD.18168, Prattville, AL.

◆ On May 3, the Commission entered an Order removing all restrictions from the license to practice medicine in Alabama of **Andrew Michael Osborne, MD**, license no. 18034, Troy AL.

◆ On May 31, the Commission entered an Order denying the request of **Steven Jeffrey Dick, MD**, license no. MD.21416, Decatur, AL, for reinstatement of his license to practice medicine in Alabama.

◆ On May 31, the Commission entered an Order placing on probation the license to practice medicine in

Alabama of **Roy William Harris, DO**, license no. DO.469, Bucyrus, OH.

◆ On May 31, the Commission entered an Order restoring to full, unrestricted status the license to practice medicine in Alabama of **Eugene A. Mangieri, MD**, license no. MD.10801, Northport, AL.

◆ On May 31, the Commission entered an Order affirming the denial by the Board of Medical Examiners of the application for a certificate of qualification to practice medicine in Alabama of **Tajudeen I. Ohiokpehai, MD**, Brooklandville, MD.

#### Actions taken regarding failure to comply with CME requirements

Joint Petition, Stipulation and  
Consent Orders dated Aug. 22:

Joint Petition, Stipulation and Consent Order dated Nov. 28:

- **Joel P. Laughlin, MD**, MD.27030, Mobile, AL
- **W. David Lindsay, MD**, MD.14461, Alabaster, AL
- **Suhail Shafi, MD**, MD.29135, Ozark, AL

Joint Petition, Stipulation and Consent Order dated Dec. 19:

- **Jorge A. Caceres, MD**, MD.3878, Bessemer, AL

Joint Petition, Stipulation and Consent Order dated April 11, 2013:

- **Joseph E. Watters, II, PA**, PA.55, Rainbow City, AL

Joint Petition, Stipulation and Consent Order dated May 22:

- **Krishna R. Mudimbi, MD**, MD.30256, Huntsville, AL

## Report of Public Actions of the Medical Licensure Commission and Board of Medical Examiners

### MLC – January 2013

◆ On Jan. 31, the Commission entered an Order approving a request to amend the practice plan of **William S. Fleet, MD**, license no. MD.12869, Mobile, AL.

◆ On Jan. 31, the Commission entered an Order removing all restrictions on the license to practice medicine in Alabama of **Charles E. Runels, Jr., MD**, license no. MD.149656, Fairhope, AL, and restoring the license to full, unrestricted status.

◆ On Jan. 31, the Commission entered an Order revoking the license to practice medicine in Alabama of **Kim Markl Sheridan, MD**, license no. MD.21343, Pensacola, FL.

### MLC – February 2013

◆ Upon the stipulation of the parties, the Commission entered a Consent Order on Feb. 27 indefinitely restricting the license to practice medicine in Alabama of **David Paul Abrams, DO**, license no. DO.559, Houston, TX.

◆ Upon the joint petition and stipulation of the parties, the Commission entered a Consent Order on Feb. 27 indefinitely suspending the license to practice medicine in Alabama of **James A. Hargroder, MD**, license no. MD.8223, Baton Rouge, LA.

### BME – February 2013

◆ On Feb. 20, the Board accepted the Voluntary Surrender of **Ronald D. Kittinger, MD**, license no. MD.10578, Birmingham, AL. Dr. Kittinger is no

longer authorized to practice medicine in Alabama.

### MLC – March 2013

◆ Effective Mar. 4, by Order dated Feb. 27, the Commission summarily suspended the license to practice medicine in Alabama of **W. Ricardo Montiel, MD**, license no. MD.18168, Prattville, AL, until the Administrative Complaint has been heard and a decision rendered thereon.

### BME – March 2013

◆ Effective Mar. 21, the Alabama Controlled Substances Certificate of **Shelinder Aggarwal, MD**, license no. 22384, Huntsville, AL, is temporarily suspended until such time as a hearing shall be held by the Board and a decision rendered thereon.

◆ On Mar. 20, the Board accepted the voluntary surrender of certificate of qualification and license to practice medicine in Alabama of **John B. Abell, MD**, license no. MD.28130, Albany, GA.

◆ Upon the joint petition and stipulation of the parties, on Mar. 20, the Board entered a Consent Order restricting the license to practice as a physician assistant in Alabama of **Chad J. Gilliam, PA**, license no. PA.670, Madison, AL.

◆ Upon the Stipulation of the Parties, on Mar. 20, the Board entered a Consent Order restricting the Alabama Controlled Substances Certificate of **Lorn Scott Miller, MD**, license number MD.21488, Jasper, AL, to Schedules III, IIIN, IV, IVN and V.

◆ On Mar. 20, the Board denied the application for certificate of qualification to practice medicine in Alabama of **Tajudeen Imohimeh Ohiokpehai, MD**, Lutherville, MD.

◆ On Mar. 20, the Board accepted the voluntary surrender of certificate of qualification and license to practice medicine in Alabama of **Robert Davis Williams, MD**, license no. MD.29580, Ft. Lauderdale, FL.

### MLC – April 2013

◆ On Apr. 5, the Commission reprimanded the license to practice medicine in Alabama of **Brian E. Cressman, MD**, license no. MD.19928, Jasper, AL.

◆ On Apr. 4, the Commission removed all restrictions from the license to practice medicine in Alabama of **Ashok Jagani, MD**, license no. MD.22377, Northport, AL.

◆ On Apr. 4, the Commission lifted the suspension of the license to practice medicine in Alabama of **Kenneth Eugene Roberts, MD**, license no. MD.9562, Dothan, AL.

### MLC – May 2013

◆ On May 3, the Commission entered an Order reprimanding and placing on indefinite probation the license to practice medicine in Alabama of **Jerry Bruce Hankins, MD**, license no. MD.17795, Birmingham, AL.

◆ On May 3, the Commission entered an Order granting the request of **Mark Peter Koch, DO**, license no. DO.322, Camden, AL, to practice in additional locations.

*see Public Actions, page 4*



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Look inside for important news  
from the Board of Medical Examiners  
that pertains to your license to practice  
medicine in Alabama.



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## Change of Address

Alabama law requires that every  
licensed physician notify the Board  
of Medical Examiners in writing  
within 15 days of a change of the  
physician's practice location  
address and/or mailing address.

All current licensees receive the Board of Medical Examiners *Newsletter and Report* at their address of record at no charge. Licensees may also choose to receive the newsletter by e-mail. Non-licensee subscriptions to the newsletter are by e-mail only. If you would like to receive the newsletter by e-mail, please send a request to [masa@masalink.org](mailto:masa@masalink.org).