



ALABAMA State Board of Medical Examiners Medical Licensure Commission

Newsletter and Report

www.albme.org

April 2015

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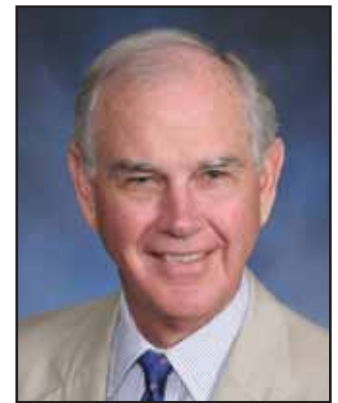
A Message from the Executive Director **Collaborative Practice Agreement renewal and termination**

Unfortunately, every so often licensed physicians must be reminded that the practice of medicine is a highly regulated profession in every state. At the February meeting the Alabama Board of Medical Examiners (BME) received information involving six highly regarded Alabama physicians who failed to follow Board rules regarding Collaborative Practice (CP) agreements. A CP is a privilege regulated by the Alabama Board of Nursing (ABN) and the BME in a joint cooperative effort. Nurses and physicians are both required by joint rules to renew their practice agreement with their respective licensure entity. Physicians must renew the CP with the BME yearly, and nurses must renew the CP along with their RN licenses with the ABN every two years. If, for any reason, a CP agreement ceases to exist, both the ABN and the BME **must** be notified of such. A Termination Notice is a requirement listed in the rules, just as the renewal fee is a requirement in the rules.

On October 1, 2014, in accordance with Board policy, the BME sent renewal notices to all physicians with collaborative practice agreements. The Board sent courtesy reminders Nov. 17, 2014, to those who had not yet renewed. On Dec. 16, 2014, the Board sent **manual** renewal forms to every physician who had not renewed or failed to submit a termination notice.

On Jan. 9, 2015, the physicians who failed to renew or notify the Board of a CP termination were sent a Cease and Desist Letter to the physicians' address of record. E-mails were also sent out to all physicians who have an e-mail address on file with the Board reminding them they had not renewed or terminated the CP. All physicians who had no e-mail listed with the BME were individually called and messages were left if the physician was not available. If no contact was made, a voice message was left and, following a second attempt without contact, another message was left. Six physicians neither notified the Board they had terminated nor renewed their collaborative practice and failed to respond to all the attempts at contact.

During the Feb. 18, 2015, meeting, the BME voted these physicians be issued Letters of Concern and Board orders to attend an ethics class. The orders to attend an ethics course are based on the Board's opinion that failure to respond to licensure notices from the BME borders on the line of unprofessional and unethical conduct. I prefer to provide positive and helpful information in my article. However, I decided to take this opportunity to remind all licensees that the BME does not send "junk mail." All correspondence from this office is important, timely and requires your immediate attention. I would recommend your staff be instructed to notify you immediately when correspondence is received from the Board.



Larry Dixon

Alabama BME Annual Report

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FDA bans marketing of testosterone as “anti-aging” drug

The U.S. Food and Drug Administration (FDA) is warning about the overuse of prescription testosterone products. In a recent drug safety advisory, the agency stated:

- The FDA has become aware that testosterone is being used extensively in attempts to relieve symptoms in men who have low testosterone for no apparent reason other than aging.
- Testosterone is not approved for such use and should be prescribed only for men with low testosterone levels

caused by certain medical conditions and confirmed by laboratory tests.

- Manufacturers of approved prescription testosterone products must change their labeling to clarify the approved uses and to add information about the increased risk of heart attacks and strokes in patients taking testosterone.

– FDA drug safety communication, March 3, 2015.

In memory of Arthur F. Toole Jr., MD

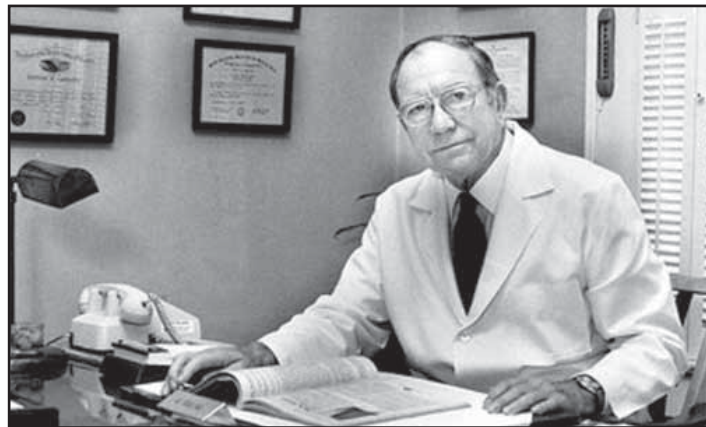
Dr. Arthur Toole Jr., MD, passed away on Feb. 22, 2015, at the age of 103.

Dr. Toole was born in Birmingham and moved with his family to Asheville, N.C., when he was five years old. He attended the University of North Carolina and subsequently Harvard Medical School, graduating in the class of 1935. It was in Boston that he met Barbara Reagan, whom he married after completion of his internship at Presbyterian Hospital in Philadelphia. In 1938 they moved to his family's hometown of Talladega. It was there he opened a general medical/surgical practice in which he was active until his retirement in 1986.

During Dr. Toole's years of medical practice, he was a member of the staff of Citizens Hospital, Talladega, and served in various leadership positions, including Chief of Surgery and Chief of Staff on several occasions. He was an attending physician for Southern Railroad employees in the Talladega region, the Alabama School for the Deaf and Blind, Talladega College and Presbyterian Home for Children at intervals during his practice of medicine.

During World War II, the Defense Department placed Dr. Toole on civilian duty for the Talladega region because of his skills in obstetrics. Being the youngest physician in the area, he augmented the older physicians who had difficulty driving some of the rural roads for late night house calls. He also assisted with the medical care of workers at the Brecon Powder Plant in Talladega and the Anniston Army Depot.

Dr. Toole was active in medicine beyond his medical practice. As a life member of the Medical Association of the State of Alabama, he served on the Medical Association's Board of Censors and was elected a Life Counselor of the Association. Dr. Toole was a member of the Talladega County Medical Society his entire career and held several offices, including president. Dr. Toole was a Fellow (Emeritus) of the American College of Surgeons and a Life



Dr. Arthur F. Toole Jr. is pictured in his office in 1986, the year he retired from the practice of medicine after 48 years.

member of the American Medical Association.

Dr. Toole's career in medicine follows a long history – over 150 years – of physicians in his family. His grandfather, Dr. Barckley W. Toole, was a surgeon who began practice in Talladega in 1865; his father Dr. Arthur F. Toole Sr., was the first urologist in Alabama; and his brother, Dr. Frank M. Toole, became a dentist who also practiced in Talladega. His son, Dr. Arthur F. Toole III, an otolaryngologist in Anniston, continued the legacy until his retirement in 2009.

Outside of medicine, Dr. Toole's service to the community included being a dedicated member of the First Presbyterian Church, where he served on the Board of Deacons. For many years he was a member of the Board of Directors for the Talladega Carnegie Public Library and elected chairman on multiple occasions. He was a member of the Talladega Kiwanis Club and was on the Board of Directors of Talladega National Bank (now Regions Bank). In 1986 the City of Talladega honored Dr. Toole as its "Man of the Year."

BME/MLC Staff update

Meet the staff: Bob Steelman, Investigator

Mr. Steelman joined the Board of Medical Examiners as an Investigator in 2013 after serving for 21 years with the Montgomery Police Department. He earned an associate's degree in electrical engineering, then began his career in law enforcement: first as a security police officer in the Air Force, then in the patrol division of the MPD before moving to SWAT, vice/narcotics, recruiter and instructor at the Policy Academy. At retirement, Mr. Steelman was Commander of the Dignitary Protection Unit. He is married and has a 15-year-old daughter.

Meet the staff: O.V. "Buddy" Chavez, Investigator

Mr. Chavez is originally from Puerto Rico, but grew up in Montgomery. He joined the Montgomery Police Department in 1992 and served for 22 years. Mr. Chavez was a traffic supervisor and shift commander prior to becoming a member of the Dignitary Protection Unit where he oversaw the federal traffic grant program. This led to an appointment to oversee all parades and public assemblies, and serve as principal strategist for all major public gatherings and protests. In 2013 Mr. Chavez retired as a lieutenant and joined the BME as an Investigator.

Differentiation between electronically transmitted prescriptions and electronic medical record produced prescriptions

by Ed Munson, Senior Investigator

Recently our agency was made aware by the State Board of Pharmacy that some physicians' prescriptions may not be in compliance with Alabama law, or with requirements of the U.S. Code of Federal Regulations. The primary issue appears to be a lack of understanding by some physicians, as well as their staff, of the differences between a true **electronically transmitted prescription (E-script)** and that of an **electronic medical record (EMR)** produced prescription.

Electronically Transmitted Prescription (E-script)

A true "E-prescription" (E-script) is generated by the physician's office and is received by computer, via the pharmacy's **compatible** software. After an authentication process, E-scripts will display the electronic signature of the prescriber. These prescriptions **do not** default to a fax/printer format.

Electronic Medical Record (EMR) Produced Prescription

In contrast, the **end product** of an "electronic medical record prescription" is a facsimile or printed copy. Generally, these prescriptions are printed out at the physician's office and given to the patient. Otherwise, they are sent to the pharmacy by the "**EMR system**" where they default to the pharmacy fax/printer. In both instances, the original prescription must display an original (wet) signature.

When patient prescriptions are defaulting to a pharmacy's fax/printer, it becomes necessary for the physician's office to print out the prescription and have it signed prior to sending it to the pharmacy. When a **signed prescription** is faxed to a pharmacy, the Board of Medical Examiners recommends the original be maintained in the patient's chart. This serves to establish compliance.

Requirements

The "original signature" requirements are addressed in §34-23-8(4) of the Code of Alabama. Differentiation between the types of prescriptions can be found in the Code of Federal Regulations, CFR 21 Part 1306.05 (d).

Penalties

Any pharmacist who, out of courtesy, fills prescriptions that do not meet these requirements is in violation of state law and can be fined by the Alabama Board of Pharmacy up to \$1,000 per prescription. Pharmacists who refuse these prescriptions are not being difficult; they are adhering to state law. With an understanding of the penalties that could be imposed upon a pharmacist, the Board of Medical Examiners is asking that you extend courtesy and cooperation in complying with these regulations.

CME at the Beach

Prescribing of Controlled Drugs and ER/LA Opioid REMS

July 10-12, 2015

The Grand Hotel Marriott, Golf Club & Spa
Point Clear, Alabama

CME Course

Noon Friday 'til noon Sunday
12 AMA PRA Category 1 Credits™

Registration and Brochure/Agenda
Visit www.masalink.org/prescribing



The Grand Hotel Marriott

Great historic hotel near
downtown Fairhope
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Robert Trent Jones golf courses
\$229 (plus applicable taxes) a night
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Room block code MASA

PA Corner

PA Advisory Committee 2015 Meeting Schedule

May 19 5:00 p.m.
 July 14 5:00 p.m.
 Sept. 15 5:00 p.m.

All meetings are held at the BME in the second floor Slab Room, 848 Washington Ave.

ASPA Membership

If you are not a member of ASPA, please consider joining. Membership applications are available at www.myaspa.org.

The following information is available on the BME's Website (www.albme.org):

- Address and name change request
- Collaborative Practice Registration forms
- Initial physician license application requirements
- Laser/other modalities affecting human tissue
- Office-based surgery registration form
- Pain Management Services registration
- Physician Assistant license/registration applications
- Request for waiver from CME due to retirement
- Retired Senior Volunteer Program
- Miscellaneous:
 - Application for replacement of lost or destroyed wall certificate
 - Declaration of citizenship and lawful presence of an alien
 - Dispensing physician registration form
 - Inactive license reinstatement form
 - Malpractice payment report form for insurance companies
 - Request for active non-renewal status
 - Request duplicate annual renewal certificates
 - Request written license verification

Did You Know? PHYSICIANS' CHARGES – 1837

Alabama physicians published their fee schedules soon after the establishment of the local licensure boards. Listed below are the fees made public by the physicians of Cahaba on Jan. 1, 1837.

Mileage in daylight, fair weather, per mile	\$1.00
Mileage in night or inclement weather	2.00
Mileage in night rain or snow	3.00
Personal attendance in daylight, per hour	2.00
Personal attendance in night, per hour	3.00
Rising at night, from 10 p.m. until daylight	5.00
Consultation fee	10.00
Consultation fee, to attending Physician	5.00
Clinical prescription	2.00
Obstetrical cases (natural labor)	20.00
Artificial and instrumental (obstetrical delivery)	from 30.00 to 100.00
Delivery of retained placenta (manual)	20.00
(visits and attendance chartered as above)	
Extracting teeth	1.00
Amputations	from 10.00 to 50.00
Cure of Syphilis	from 20.00 to 40.00

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

BME – December 2014

◆ On Dec. 2, the Board issued an Order denying the petition of **E. Mattatha Brunson, MD**, lic. no. MD.11237, Homewood, AL, to terminate the restriction on his Alabama Controlled Substances Certificate.

BME – December 2014

◆ On Dec. 17, the Board denied the application of **John J. Villaverde, MD**, lic. no. MD.11177, Birmingham, AL, for removal of the Voluntary Restrictions on his certificate of qualification and license to practice medicine in Alabama.

◆ On Dec. 10, the Board accepted the Voluntary Surrender of the certificate of qualification and license to practice medicine in Alabama of **Paul Albert Roberts, MD**, lic. no. MD.24557, Fultondale, AL.

MLC – January 2015

◆ Upon the Stipulation of the parties, on Jan. 28 the Commission entered a Consent Order placing on a one year probation the license to practice medicine in Alabama of **Anthony Vernon Dallas, MD**, lic. no. MD.30816, Brentwood, TN.

◆ On Jan. 21, the Commission entered an Order terminating the probationary status of the license to practice medicine in Alabama of **Daniel C. Clower, III, MD**, lic. no. MD.6624, Selma, AL.

BME – January 2015

◆ On Jan. 21, the Board denied the application for a certificate of qualification to practice medicine in Alabama of **JaVar B. Myatt-Jones, MD**, East Pointe, MI.

◆ On Jan. 21, the Board accepted the Voluntary Restrictions on the certificate of qualification and license to practice medicine in Alabama of **Russell Wayne Stevens, MD**, lic. no. MD.26655, Fairhope, AL.

MLC – February 2015

◆ On Feb. 6, the Commission entered an Amended Order concerning the license to practice medicine in Alabama of **Amjad I. Butt, MD**, lic. no. MD.29003, Selma, AL. The Commission also entered a separate Order on Feb. 6 denying the request of Dr. Butt to perform peripheral interventional implantation procedures.

◆ On Feb. 6, the Commission entered an Amended Order concerning the license to practice medicine in Alabama of **Pascual Herrera, Jr., MD**, lic. no. MD.13663, Leesburg, AL.

MLC – March 2015

◆ On Mar. 9, the Commission entered an Order modifying the terms of its Jul. 31, 2009, Order imposing conditions on the license to practice medicine in Alabama of **William S. Fleet, MD**, lic. no. MD.12869, Mobile, AL.

◆ On Mar. 9, the Commission entered an Order denying the request to terminate the probationary status of the license to practice medicine in Alabama of **W. Ricardo Montiel, MD**, lic. no. MD.18168, Prattville, AL.

◆ On Mar. 9, the Commission entered an Order approving the remediation plan of **David G. Morrison, MD**, lic. no. MD.20819, New Orleans, LA.

Action (administrative fine) for failure to renew ACSC but continuing to write controlled substances:

- **Frank B. Benson, III, MD**, lic. no. MD.7906, Decatur, AL
- **Elliott J. Saltz, MD**, lic. no. MD.13157, Birmingham, AL
- **Larry E. Thorne, MD**, lic. no. MD.18478, Auburn, AL

Actions for CME (reprimand, fine, additional CME required):

- **Robert B. Harris, MD**, lic. no. MD.19179, Montgomery, AL
- **Gary S. Hayes, MD**, lic. no. MD.18423, Stevenson, AL
- **Ian H. Thorneycroft, MD**, lic. no. MD.15135, Mobile, AL

Recent public actions are posted on the Alabama Board of Medical Examiners' website: <http://www.albme.org/actions.html>.

Confidential program for Alabama physicians

The Alabama Physician Health Program (APHP) provides confidential consultation, support and monitoring to physicians, physician assistants, residents and medical students facing concerns related to:

- Alcoholism
- Substance abuse and addiction
- Behavioral and mental health issues
- Physical illness
- Disruptive behavior

For confidential professional help call APHP at (334) 954-2596 or (800) 239-6272

For more information, visit the APHP website at <https://www.alabamaphp.weebly.com> or send an e-mail to staff@alabamaphp.org.



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

Inside this issue:

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Contributors

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Mary Leigh Meredith
Judy DeBray
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Change of Address

**To prevent delays, or even loss of license
due to lapse, notify the Board immediately
of any change in your business or home
address. The change of address (and name)
form is on the website, www.albme.org.**

**BME Board
2015 Meeting Schedule**

- May 19-20
- June 16-17
- July 14-15
- August 18-19
- September 15-16
- October 20-21
- November 17-18
- December 15-16

All current licensees receive the Board of Medical Examiners *Newsletter and Report* at their address of record at no charge. 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 albmenews@yahoo.com.



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agendas, newsletters and rules.