



# ALABAMA Board of Medical Examiners Medical Licensure Commission

## Newsletter and Report

www.albme.org

October 2016

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## A Message from the Executive Director

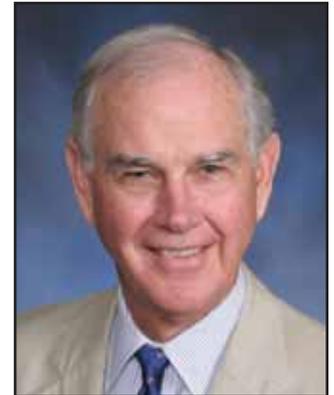
On July 3, 1981, I was honored to be chosen Executive Director of the Alabama Board of Medical Examiners, a position in which I have served for 35½ years. A lot has changed over that time and I am proud to have witnessed, and participated in, the Alabama Board of Medical Examiners becoming one of the best in the nation.

Alabama plays an important role in organized medicine. On the national level, during my tenure, four members of the Board of Medical Examiners have occupied the Presidency of the Federation of State Medical Boards (the Federation), the national board for medical regulation. I, too, had the privilege of representing the Board by serving on the Federation’s Board of Directors for three terms, as well as being a founding member of Administrators in Medicine, a national organization of medical board executive directors.

Currently, at the forefront of medical regulation is the Pain Management/Opioid Abuse and Diversion issue. This issue is being combatted by the DEA, the FDA and every law enforcement agency as well as every medical licensure jurisdiction in the country, including Alabama. This Board believes the reason this issue is so difficult is because pain does exist, and appropriate pain management does provide relief, as well as improved quality of life for those patients requiring treatment. However, abuse, drug trafficking, doctor shopping and elaborate drug diversion operations also exist.

As successful as the BME has been in shutting down some illicit operations and addressing problems in other pain medicine practices, the criminal diversion of pain medicines will continue in Alabama as well as every other state. All citizens of this state

can be assured that, whether it is the opioid abuse epidemic or any other medical crisis, the Board will continue its fight for the public’s welfare and safety.



Larry Dixon

To the licensed physicians in this state, I urge you to continue to elect the same caliber of physicians to the BME as you always have. Your BME comprises physicians with prestige in their communities, not just political contacts. These are physicians who have accepted the mission and purpose to protect the health and safety of the citizens of this state.

In this, my final “Message from the Executive Director,” I want to say to you, the physicians of this state and to the Board you elected as your regulators, I have enjoyed serving you. And while I have enjoyed the state and national recognition that came my way over the years, the pride I have for the Board, its staff and the accomplishments attained during my tenure override any personal honors.

In the same vein of a young physician in training, who was told by his attending, “... when your career has ended, hopefully you can say, I gave them their money’s worth.” So say I.

*We welcome your questions, comments and suggestions for the BME/MLC*

*Newsletter and Report.*

*These may be sent to*

*Mary Leigh Meredith,*

*Executive Assistant, at*

*mlmeredith@albme.org.*

## Alabama Board of Medical Examiners

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## Billing fraud

by *George C. "Buddy" Smith, Jr., MD*

In January 2016, two Alabama physicians entered into a \$1.3 million Medicare fraud settlement in a lawsuit that claimed they submitted false claims to Medicare, Medicaid and TRICARE. The lawsuit alleged that the physicians used nurse practitioners to provide patient services and then charged and coded those services under the on-duty ER physician's NPI number and at the higher physician's rate, when the physician had not actually seen the patients. The fraud allegations were brought to the government's attention by a "whistleblower" who received a \$234,000 reward.

In July 2016, the Justice Department unsealed charges in a \$1 billion Medicare fraud case that indicted three individuals for allegedly paying and receiving bribes and kickbacks to have thousands of patients admitted to skilled nursing and assisted-living facilities owned by one of the defendants. The patients were allegedly provided unnecessary medical treatments, which were then billed to Medicare and Medicaid. The case is part of a nationwide Medicare Fraud Strike Force that was created in 2007 and has charged almost 2,900 defendants, who have together billed the Medicare program for more than \$10 billion.

It is apparent that in this time of budget awareness and concern over skyrocketing medical costs, there is a heightened awareness and scrutiny by both federal/state governments and insurance companies regarding billing fraud. Medicare/Medicaid and particularly state lawmakers look for examples of fraud and abuse to highlight to their constituents. As it reviews medical records, the Board of Medical Examiners

will often see examples of possible fraud and abuse, including cloned notes, up-coding for services not rendered and improper use of mid-level providers. In some cases, physicians overprescribe

medications and/or durable medical equipment because they are receiving financial incentives from a pharmacy, drug company or durable goods provider.

Physicians must be knowledgeable about and follow all applicable state and federal laws and rules concerning medical records, billing, kickbacks for prescriptions or devices and the use of mid-level providers. Together with the Medical Association of the State of Alabama, the Board of Medical Examiners presents continuing medical education courses concerning ethics, prescribing and the use of mid-level practitioners. Malpractice insurance carriers can often answer their client physicians' questions concerning billing and kickbacks. The Board retains staff who are knowledgeable about Board Rules concerning medical records, unethical conduct and other issues. The Board employs two full-time staff members who can answer questions and provide courtesy site visits to assist physicians with collaborative practice issues.



**George C. "Buddy"  
Smith Jr., MD**

## NEW federal buprenorphine prescribing rule

Access to medication-assisted treatment for people addicted to heroin and pain pills has expanded under a new U.S. Department of Health and Human Services rule. This change allows qualified physicians to treat up to 275 patients, up from 100, with buprenorphine, a medication that blocks opioids from affecting the brain. The rule went into effect in August 2016.

## 2017 License and Registration renewals

- ▶ All licenses and registrations (excluding P.A. registration agreements) are renewed annually.
- ▶ Orange renewal reminder postcards are sent to all licensees' addresses of record in October.
- ▶ Online renewal will use last name and last four digits of SSN. Note: You do not have to have received a postcard to renew.
- ▶ Online renewal site will open Oct. 1, 2016.
- ▶ Online renewal site is [www.alrenewals.org](http://www.alrenewals.org).
- ▶ **IMPORTANT: Practitioners are required to complete renewal applications. Delegation of this responsibility could result in disciplinary action should fraudulent information be inadvertently submitted to the Board or Commission.**
- ▶ Renew license first, and if you have other registrations and/or agreements, you will be prompted to renew them at that time. Credit card payments are made separately for each licensure/registration renewal. After license has been renewed, a receipt can be printed upon completion of each transaction.

### ▷ M.D./D.O. Licenses

- Expire Dec. 31
- \$300 license renewal fee
- Grace period Jan. 1 – Jan. 31 (**\$100 late fee added**)

### ▷ ACSC Registrations\*

- Expire Dec. 31\*\*
- \$150 renewal fee
- **NO grace period**

\* Before renewing an ACSC, the applicant must have a current registration to access the Prescription Drug Monitoring Program (PDMP) established and maintained by the Alabama Department of Public Health, and must have a current and appropriate registration issued by the DEA.

\*\* Writing any prescriptions for controlled substances without a current ACSC is a

*violation of Board rules and state law and will be investigated. The Board is authorized to fine up to \$10,000 per violation.*

### ▷ Collaborative Practice (CP) Registrations

- Expire Dec. 31
- \$100 renewal fee
- **NO grace period**
- If you are prompted to renew a CP Registration and you do not think you have a CP, contact the CP Consultant's office. If our records indicate a CP and it is not renewed or formally terminated by Dec. 31, it will be reported to the Board. You may terminate a CP registration at [www.albme.org/terminationform.html](http://www.albme.org/terminationform.html).
- If you have questions regarding CP registration contact:
  - Linda Stripling, CP Administrative Assistant at (334) 833-0199 or [lstripling@albme.org](mailto:lstripling@albme.org)
  - Patricia Ward, RN, Nurse Consultant at (334) 833-0186 or [ward@albme.org](mailto:ward@albme.org)
  - Amy Wybenga, CRNP, Nurse Consultant at (334) 956-0307 or [awybenga@albme.org](mailto:awybenga@albme.org)

### ▷ Pain Management (PM) Registrations

- Expire Dec. 31
- \$100 first facility
- \$10 each additional facility
- **NO grace period**

*Continued on page 4.*

## Notice to Limited License and Retired Senior Volunteer License holders

Ala. Code §§ 34-24-75 and 34-24-75.1 require that a physician holding a Limited License or a Retired Senior Volunteer (RSV) license complete renewal applications for both the Limited or RSV Certificate Qualification (COQ) and the Limited or RSV license.

A Limited or RSV COQ renewal application must be submitted to the BME **before** a Limited or RSV license renewal application is submitted to the Medical Licensure Commission.

The COQ renewal application must be submitted before **November 23, 2016**, in order to be eligible for license renewal. If the COQ is not renewed by this date, the licensee will be required to start the application process from the beginning and obtain a new license.

**To obtain the COQ renewal application, please contact the Dean, Program Director or Chief Medical Officer of the program or facility where you are a participant.**

## CME Requirement for Physician and Physician Assistants

Twenty-five (25) *AMA PRA Category 1 Credits*<sup>TM</sup> or equivalent annually (calendar year). **Credits must be earned Jan. 1 – Dec. 31 of each year.**

Licensees are responsible for reading and being familiar with Board Rules concerning CME. **CME requirements links:**

- MDs/DOs – [www.alabamaadministrativecode.state.al.us/docs/mexam/540-X-14.pdf](http://www.alabamaadministrativecode.state.al.us/docs/mexam/540-X-14.pdf)
- PAs/AAs – [www.alabamaadministrativecode.state.al.us/docs/mexam/540-X-7.pdf](http://www.alabamaadministrativecode.state.al.us/docs/mexam/540-X-7.pdf)

## Important reminder for collaborative practice physicians!

A collaborative practice registration fee of \$100 and a commencement form are required when beginning a new collaborative practice agreement. This \$100 fee is the **responsibility of the physician** and must be paid before the application for collaborative practice can be considered for final approval. **Final approval** is crucial for the future credentialing of the CRNP or CNM.

If you have questions or need assistance, contact one of the following:

- **Collaborative Practice Nurse Consultants**  
Patricia Ward, RN  
[pward@albme.org](mailto:pward@albme.org)  
Amy Wybenga, CRNP  
[awybenga@albme.org](mailto:awybenga@albme.org)
- **Collaborative Practice Administrative Assistant**  
Linda Stripling  
[lstripling@albme.org](mailto:lstripling@albme.org)



## License and Registration renewals, cont.

### P.A. Renewals

Renew license first. If you have a QACSC and/or an LPSP, you will be prompted to renew them. The QACSC must be renewed **before** the LPSP can be renewed. Credit card payments are made separately for each license/registration type. A receipt can be printed upon completion of each transaction.

#### ▷ P.A. /A.A. Licenses

- Expire Dec. 31
- \$100 renewal fee
- **NO grace period**

Note: P.A. Registration Agreements do not have to be renewed.

#### ▷ P.A. QACSC\*

- Expires Dec. 31\*\*
- \$60 renewal fee
- **NO grace period.**

#### ▷ P.A. LPSP\*

- Expires Dec. 31\*\*
- \$10 renewal fee
- **NO grace period**

*\* Before renewing a QACSC, the applicant must have a current registration to access the Prescription Drug Monitoring Program (PDMP) established and maintained by the Alabama Department of Public Health, and must have a current and appropriate registration issued by the DEA.*

*\*\* Writing any prescriptions for controlled substances without a current QACSC is a violation of Board rules and state law and will be investigated. The Board is authorized to fine up to \$1,000 per violation.*

### CRNP/CNM QACSC/LPSP Renewals

The QACSC must be renewed before the LPSP can be renewed. Credit card payments are made separately for each license/registration type. A receipt can be printed upon completion of each transaction.

#### ▷ QACSC\*

- Expires Dec. 31\*\*
- \$60 renewal fee
- **NO grace period**

#### ▷ LPSP\*

- Expires Dec. 31\*\*
- \$10 renewal fee
- **NO grace period**

*\* Before renewing a QACSC/LPSP, the applicant must have a current registration to access the Prescription Drug Monitoring Program (PDMP) established and maintained by the Alabama Department of Public Health, and must have a current and appropriate registration issued by the DEA.*

*\*\* If the collaborating physician has not renewed his/her medical license, ACSC and collaborative agreement by Dec. 31, 2016, the QACSC/LPSP will become inactive and no refund will be given. Collaborating physicians can renew online at [www.alrenewals.org](http://www.alrenewals.org).*

**Important:** Before renewing a QACSC/LPSP, the applicant must have completed the four-hour pharmacology course (4 AMA PRA Category 1 Credits™) every two years since the initial 12-hour prescribing and pharmacology course was taken.

## Attention lawful aliens/foreign national licensees

All lawful aliens/foreign national licensees practicing in this state are required to **submit a Declaration of Lawful Presence form with proof of legal presence as a non-permanent alien.** This information must be received and processed through SAVE in order to renew licenses for 2017. The Board's online renewal program will not allow any license to be renewed until legal presence documentation has been received and approved by SAVE. Likewise, manual renewals will not be processed without proper documentation.

To download the form, go to [www.albme.org/Documents/Forms/declarationform.pdf](http://www.albme.org/Documents/Forms/declarationform.pdf). Questions? Contact B.B. McMahan at (334) 833-0173.

# CDC develops useful resources for physicians and patients

Article from Kentucky Board of Medical Licensure Newsletter, Summer 2016

The Centers for Disease Control (CDC) published its new *Guideline for Prescribing Opioids for Chronic Pain* in March 2016. It provides 12 recommendations about the appropriate prescribing of opioid pain relievers and other treatment options to improve pain management and patient safety.



In order to assist physicians and improve communications between providers and patients about the risks and benefits of opioid therapy for chronic pain, improve the safety and effectiveness of pain treatment, and reduce the risks associated with long-term opioid therapy, including opioid use disorder and overdose, the CDC developed a series of resources that can be found on the following site:

<http://www.cdc.gov/drugoverdose/prescribing/resources.html>. You will also find helpful clinical tools such as a checklist for prescribing opioids for chronic pain and how to calculate the total daily dose of opioids for a safer dosage.

You can also find helpful resources you can share with patients, which help explain the risks and benefits of opioid therapy along with educational offerings for practitioners. The Board encourages physicians to take the time to review these educational materials.

## REMINDER

### Attention Dispensing Physicians

When you discontinue dispensing\* controlled substances from an office, you must inform the Board that you are no longer dispensing. If you add a site or change sites, please complete a new Dispensing Physician Registration form to indicate your changes. Also remember, when adding a new site, you must also apply for an additional DEA number for that site. Dispensing physician requirements and registration form can be found on BME's website: [www.albme.org](http://www.albme.org).

*\*Dispensing means ordering and providing the patient controlled substances for consumption off premises; this does not include written prescriptions, samples or starter packs.*

*"An inquiring, analytical mind; an unquenchable thirst for new knowledge; and a heartfelt compassion for the ailing – these are prominent traits among the committed clinicians who have preserved the passion for medicine."*

*– Lois DeBakey, Ph.D.*

# Famous Alabama physician: Peter Henderson Bryce, MD



A native of Columbia, South Carolina, Peter Bryce received his medical degree from New York University in 1859. At the age of 26, on the recommendation of Dorothea Dix, Dr. Bryce became the superintendent of the newly constructed hospital of the insane in Tuscaloosa.

At a time when little was known about the care of the insane patients, Dr. Bryce opened vistas of care and treatment unheard of at the time, and the hospital became a national example of care and compassion.

Although Dr. Bryce was known as a friendly and loving person, he would not tolerate discourteous treatment, impolite language or failure to keep patients clean, neatly dressed and properly attended at all times.

Dr. Bryce's wife, Ellen Clarkson Bryce, was also credited with exerting a profound influence on patients through her musical programs and classes.

Dr. Bryce died of Bright's Disease in 1892 and was buried on the lawn of the hospital. Six months later the hospital was renamed the Alabama Bryce Insane Hospital in Dr. Bryce's honor for his 32 years of service.

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

*Mission: The Alabama Board of Medical Examiners and the Medical Licensure Commission are charged with protecting the health and safety of the citizens of the state of Alabama.*

### MLC – June 2016

- ◆ On June 20, **Robert M. Ritchea, MD**, lic. no. MD.19887, Phenix City, AL, voluntarily surrendered his Alabama Controlled Substances Certificate.
- ◆ Effective June 7, the Commission revoked the license to practice medicine in Alabama of **Mark P. Koch, DO**, lic. no. DO.322, Monroeville, AL.
- ◆ On June 6, the Commission entered an Order requiring that **Mohammad Omar Mohabbat, MD**, lic. no. MD.11727, Northport, AL, present for an evaluation.

### BME – June 2016

- ◆ Effective June 3, the Alabama Controlled Substances Certificate of **Robert M. Ritchea, MD**, lic. no. MD.19887, Phenix City, AL, is temporarily suspended until such time as a hearing shall be held by the Board and a decision rendered thereon.

### MLC – July 2016

- ◆ On July 7, the Commission entered an Order denying the request for reinstatement of license of **John P. Hagler, MD**, lic. no. MD.6566, Montgomery, AL.

### BME – July 2016

- ◆ On July 28, the Board issued an Order temporarily suspending the Alabama Controlled Substances Certificate of **Odeane H. Connor, MD**, lic. no. MD.23743, Gadsden, AL, until such time as a hearing shall be held and a decision rendered thereon.

- ◆ On July 28, the Board issued an Order temporarily suspending the Alabama Controlled Substances Certificate of **Kim Patrice Eubanks, MD**, lic. no. MD.26227, Atlanta, GA, until such time as a hearing shall be held and a decision rendered thereon.

- ◆ On July 27, the Board issued an Order temporarily suspending the Alabama Controlled Substances Certificate of **William M. Roddy, DO**, lic. no. DO.541, Sheffield, AL, until such time as a hearing shall be held and a decision rendered thereon.

- ◆ On July 20, the Board accepted the voluntary surrender of certificate of qualification and license to practice medicine in Alabama of **Daniel Kevin Stubler, MD**, lic. no. MD.16025, Fairhope, AL.

- ◆ On July 7, **James Fullerton Hooper, MD**, lic. no. MD.12618, Tuscaloosa, AL, voluntarily surrendered his certificate of qualification and license to practice medicine in Alabama.

### MLC – August 2016

- ◆ On Aug. 17, upon the signed consent of **William M. Roddy, DO**, lic. no. DO.541, Sheffield, AL, the Commission entered an Order indefinitely continuing hearing.
- ◆ On Aug. 5, the Commission entered an Order approving the practice plan of **Christopher P. Gay, DO**, lic. no. DO.687, Anniston, AL.

### BME – August 2016

- ◆ On Aug. 17, the Board accepted the voluntary surrender of the certificate of qualification and license to practice medicine in Alabama of **Ruepert**

- Don Bryan, MD**, lic. no. MD.7568, Alabaster, AL.

- ◆ On Aug. 17, the Board accepted the voluntary surrender of the certificate of qualification and license to practice medicine in Alabama of **Mohammad O. Mohabbat, MD**, lic. no. MD.11727, Northport, AL.

### MLC – September 2016

- On Sept. 2, the Commission entered an Order denying the initial license application of **Briana Lynn Boyd, MD**, Lexington, KY.
- ◆ On Sept. 2, the Commission entered an Order removing all restrictions previously placed on the license to practice medicine of **Jerry Bruce Hankins, MD**, lic. no. MD.17795, Montgomery, AL.
- ◆ On Sept. 2, the Commission entered an Order denying the reinstatement application of **Paul M. Muratta, DO**, lic. no. DO.536, Gadsden, AL.

### BME – September 2016

- ◆ Effective Sept. 13, the Alabama Controlled Substances Certificate of **Leonides V. Santos, MD**, lic. no. MD.8441, Russellville, AL, is revoked by Order of the Board.
- ◆ On Sept. 20, **Scott Hull Boswell, MD**, lic. no. MD.16975, Jasper, AL, voluntarily surrendered his Alabama Controlled Substances Certificate.
- ◆ On Sept. 21, the Board entered a Consent Order restricting to Schedules IV and V the Alabama Controlled Substances Certificate of **Danny E. Sailsbury, DO**, lic. no. DO.459, Gadsden, AL, assessing an

*Continued on page 7*

## Public Actions, cont.

administrative fine, and requiring continuing medical education.

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

Ross E. Bunch, MD, lic. no. MD.19040, Tuscaloosa, AL

- Ernest G. Burch, MD, lic. no. MD.23467, Mobile, AL
- Anne W. Byars, MD, lic. no. MD.14633, Hoover, AL
- Leonard J. Caputo, MD, lic. no. MD.8384, Mobile, AL
- Lea C. Clayton, MD, lic. no. MD.19310, Moody, AL
- Barry G. Collins, MD, lic. no. MD.22922, Pell City, AL
- Wilbourne Ray Crouch, MD, lic. no. MD.5434, Hartselle, AL
- Gary W. Hudson, MD, lic. no. MD.12133, Huntsville, AL
- Benjamin H. Johnson, III, MD, lic. no. MD.9687, Mountain Brook, AL
- Carol M. Johnson, MD, lic. no.

MD.11601, Alabaster, AL

- Christopher R. Jones, MD, lic. no. MD.10315, Hoover, AL
- Christopher Kirya, MD, lic. no. MD.8282, Gadsden, AL
- John D. McArthur, MD, lic. no. MD.13596, Auburn, AL
- Lusanne C. L. McKenzie, MD, lic. no. MD.4189, Huntsville, AL
- Douglas O. Moore, MD, lic. no. MD.13487, Hoover, AL
- Dean Robert Naden, DO, lic. no. DO.690, Jasper, AL
- Lynn H. Porter, MD, lic. no. MD.14153, Robertsedale, AL
- Brian E. Rogers, MD, lic. no. MD.18306, Russellville, AL
- Gaylon R. Rogers, MD, lic. no. MD.6106, Bessemer, AL
- Mohammed Salehuddin, MD, lic. no. MD.20074, Greensboro, AL
- Ruth L. Shields, MD, lic. no. MD.4527, Mobile, AL
- Mitchell C. Shirah, MD, lic. no.

MD.9705, Roanoke, AL

- Kathleen S. Short, MD, lic. no. MD.13117, Birmingham, AL
- Everitt N. Simmons, MD, lic. no. MD.11850, Alabaster, AL
- Elizabeth A. Simpson, PA, lic. no. PA.595, Mobile, AL
- Daniel H. Spriggs, MD, lic. no. MD.13749, Mobile, AL
- Joseph P. Walsh, MD, lic. no. MD.26120, Elberta, AL

### Actions on ACSC for not being registered for PDMP (administrative fine):

- Manly J. Sullivan, MD, lic. no. MD.20081, Carrollton, AL

### Actions on ACSC for prescribing controlled substances with expired ACSC (administrative fine):

None at this time.

## CME in 2017

March 4-5 Prescribing of Controlled Drugs and Controversies of Pharmacology Prescribing Embassy Suites Montgomery

July 14-15 Prescribing of Controlled Drugs and Controversies of Pharmacology Prescribing The Grand Hotel - Point Clear, AL

Nov. 17-19 Ensuring Quality in the Collaborative Practice, Medical Ethics, Prescribing of Controlled Drugs and Controversies of Pharmacology Prescribing Hyatt Regency Birmingham - The Wynfrey Hotel

Visit [www.alamedical.org/CME](http://www.alamedical.org/CME) for details.



## 2017 BME Meeting Dates

- January 18
- February 15
- March 15
- April 13
- May 17
- June 21
- July 19
- August 16
- September 20
- October 18
- November 15
- December 20

*The public portion of each meeting is scheduled for 10:00 a.m. CT in the Dixon-Parker Building located at 848 Washington Avenue, Montgomery, Ala. (unless otherwise indicated).*

*Meeting agendas, minutes and a full list of meeting dates and times can be found on the Board's website:*

**[www.albme.org](http://www.albme.org)**

## WHOM TO CALL FOR QUESTIONS OR ASSISTANCE

- Administration:** Larry D. Dixon, Executive Director  
Norris W. Green, Associate Executive Director  
Jane W. Hartley, Director of Accounting, Office Manager
- Legal:** Patricia E. Shaner, General Counsel  
Wilson Hunter, Associate General Counsel
- Licensing:** Jacqueline B. Baskin, Director
- Investigations:** Stan Ingram, Chief
- Physician Monitoring:** Jeff Grimsley, Director
- Physician Assistants:** Deana Bozeman, Director
- Collaborative Practice:** Patricia Ward, RN, Nurse Consultant  
Amy Wybenga, CRNP, Nurse Consultant  
**(334) 242-4116**
- Medical Licensure Commission:** Karen Silas, Executive Assistant  
**(334) 242-4153**