

MINUTES
Monthly Meeting
MEDICAL LICENSURE COMMISSION OF ALABAMA
Meeting Location: 848 Washington Avenue
Montgomery, Alabama

December 20, 2019

MEMBERS PRESENT

George C. Smith, Sr., M.D., Chairman
Craig H. Christopher, M.D., Vice Chairman
James H. Walburn, M.D.
Jorge A. Alsip, M.D.
Gary Hill, D.O.
Paul M. Nagrodzki, M.D.
L. Daniel Morris, Esq.

MEMBERS NOT PRESENT

Pamela Varner, M.D.

OTHERS PRESENT

Karen H. Silas, Medical Licensure Commission (Recording Secretary)
Wallace D. Mills, Legal Counsel
Nicole Chapman, Administrative Assistant
Randy Dixon - Security
Stephen Lavender - Security
Scott Sides - Security

Call to Order: 9:00 a.m.

Prior notice having been given in accordance with the Alabama Open Meetings Act, and with a quorum of seven members present, Commission Chairman, George C. Smith Sr., M.D., convened the monthly meeting of the Alabama Medical Licensure Commission.

Prior to the start of the meeting agenda, procedural discussions were held with Judge William Gordon, Hearing Officer for the State of Alabama Board of Medical Examiners and E. Wilson Hunter, General Counsel for the State of Alabama Board of Medical Examiners. Trish Shaner was congratulated on her upcoming retirement.



OLD BUSINESS

MINUTES November 22, 2019

Commissioner Smith made a motion that the

Minutes of November 22, 2019 be approved with minor grammatical corrections. A second was made by Commissioner Christopher. The motion was adopted by unanimous vote.

NEW BUSINESS

<u>Name</u>	<u>Medical School</u>	<u>Endorsement</u>
1. Amber Alexandria Abrams	UA School of Medicine Birmingham	USMLE
2. Andrew S Bae	Campbell U Jerry M. Wallace Sch of Osteo Medicine	COMLEX
3. Nikky Bardia	Pune U Rural Med Col Pravara Medical Trust	USMLE
4. Monuj Triven Bashambu	Tulane University School of Medicine	USMLE/SC
5. Sarah Elizabeth Beebe	University of Florida College of Medicine	USMLE
6. Patrick Allan Blanchard	University of Kansas School of Medicine	NBME/KS
7. Darcy Perkins Blankenship	University of Alabama School of Medicine Birmingham	USMLE
8. Aleksander Stephen Borresen	U of Texas Southwestern Medical Center at Dallas	USMLE
9. James Edwin Boyd	Uniformed Services University of Health Sciences	USMLE/SC
10. Sofia Buenaventura	University of Texas Medical School at Galveston	USMLE
11. Christopher Carey	U of Alabama School of Medicine Birmingham	USMLE
12. Gassan Mitri Chaiban	Ross University	USMLE
13. Bo Chen	Qingdao University College of Medical Science	USMLE
14. Hunter Thomas Christy	Louisiana State U Medical Center In Shreveport	USMLE/LA
15. Andrew Lee Daugherty	Wayne State University School of Medicine	USMLE/VA
16. Natalie Ann Derise	Louisiana State U Medical Center In Shreveport	USMLE
17. Cecilia Hope Drennen	University of Texas Medical School at Galveston	USMLE
18. Ashley Marie Easterwood	Texas Tech Univ School Of Medicine	USMLE
19. Sean Michael Farrell	University of Mississippi School of Medicine	USMLE
20. David Anthony Figge	University of Alabama School of Medicine Birmingha	USMLE
21. David Luke Fischer	Michigan State University College of Human Medicine	USMLE
22. Justin Thomas Forbes	Florida State University College of Medicine	USMLE
23. Blake Olivia Foxworthy	Mercer University School of Medicine	USMLE
24. Sheri Frickey	Alabama College of Osteopathic Medicine	COMLEX
25. David Maxwell Galambos	Louisiana State U School of Medicine New Orleans	USMLE
26. Kelly Lane Garcia	Vanderbilt University School of Medicine	USMLE/TN
27. Juan Carlos Gonzalez Jr.	Alabama College of Osteopathic Medicine	COMLEX
28. Kerry Scott Griffin	University of South Carolina School of Medicine	USMLE
29. Jaime Hatcher-Martin	Emory University School of Medicine	USMLE/GA
30. Stephen Charles Hicks	Alabama College of Osteopathic Medicine	COMLEX
31. Wilson Gregory Huett	University of Arkansas College of Medicine	USMLE
32. Joshua D. Hughes	University of Mississippi School of Medicine	USMLE/MN
33. Kelly Gilreath Ison	University of South Alabama College of Medicine	USMLE



34. Kai Thomas Jacobson	Trinity School of Medicine	USMLE
35. Salmaan Zaki Kamal	University of Alabama School of Medicine Birmingham	USMLE
36. Joseph P. Kelly	University, Downers Grove	COMLEX
37. Ryan Mikel Burdette Kiser	University of Louisville School of Medicine	USMLE
38. Alayna Susanne LeCroy	Mercer University School of Medicine	USMLE
39. Kathryn Olivier Luckett	Louisiana State U School of Medicine New Orleans	USMLE
40. Mythreyi Mahalingam	University of Alabama School of Medicine Birmingham	USMLE
41. Anne Byrd Mahoney	Virginia Commonwealth University School of Medicine	USMLE
42. Katherine Elizabeth McKnight	University of Tennessee Health Science Center	COM USMLE
43. Sam Idongesit Michael	Morehouse School Of Medicine	USMLE
44. Aishah Najam	Rocky Vista U College of Osteopathic Medicine	COMLEX
45. Sean Andrew Necessary	University of Arkansas College of Medicine	USMLE/GA
46. Nathaniel Taylor Owens	University of Tennessee Health Science Center	COM USMLE
47. Taylor Charles Payne	University of Alabama School of Medicine Birmingham	USMLE
48. Frank Bennett Pearce Jr.	U of Alabama School of Medicine Birmingham	USMLE/TN
49. Amanda Lynne Reno	Liberty University College of Osteopathic Medicine	COMLEX
50. Whitney Michael Richard	Alabama College of Osteopathic Medicine	COMLEX
51. Jose Alfredo Sanchez	Universidad Autonoma De Guadalajara	USMLE
52. Ariail Gilbert Schmitz	Alabama College of Osteopathic Medicine	COMLEX
53. John Patrick Sisney	University of Queensland	USMLE
54. Hunter Edward Skoog	Texas A&M U Health Science Center	COM USMLE
55. Misty M. Slater	University of Toledo College of Medicine	USMLE/OH
56. Elissa Handley Tyson	U of Alabama School of Medicine Birmingham	USMLE
57. Beau Taylor Vandiver	University of Texas Medical School at Galveston	USMLE
58. Kendall Ann Waddey	University of Tennessee Health Science Center	COM USMLE
59. Jeffrey Robert Weeks	Philadelphia College of Osteopathic Medicine	COMLEX
60. Rama Krishna Reddy Yarasani	Osmania Medical College	USMLE/MA
61. Brian Carlo Zapanta	University of Illinois College of Medicine Chicago	USMLE/ IL
62. *Josephine Uzoamaka Anuforo	Ross University	USMLE/GA
63. *Clinton Carter	University of Texas- Houston Medical School	USMLE/TX
64. *Samuel Jerome Durham	Harvard Medical School	NBME/PA
65. *John Middleston Simmons	Florida State University	COM USMLE
66. *Sohail Mohyuddin Khan	Dow Medical College, University of Karachi	FLEX/CT

*Approved pending acceptance and payment of a non-disciplinary citation issued by the Board.

A motion was made by Commissioner Christopher with a second by Commissioner Morris to approve applicants number one through sixty-six (1-66) for full licensure. The motion was approved by unanimous vote.

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LIMITED LICENSE APPLICANTS

Name	Medical School	Endorsement	Location	Type
1. Nancy Deihl Chandler	LSU Medical Cte Shreveport	LL/AL	UAB Radiology	VP
2. John Russell Gooch Jr.	Akademia Medyczna, Lublin	LL/AL	UAB- Huntsville	R

A motion was made by Commissioner Alsip with a second by Commissioner Morris to approve the Limited License applicants one through two (1-2). The motion was approved by unanimous vote.

SPECIAL PURPOSE

Name	Type of Practice	Location
1. Susan Lynne Gonnella	Primary Care/Family Medicine	New York
2. Katharine J. Rose	Amwell Online Care Group - Contract Family Medicine physician	Louisiana
3. Joel Richard Schwartz	Wexford Health - Telepsychiatry	Alabama Dept of Corrections
4. Ruben Trono	Matrix Medical - Internal Medicine and Cardiology	Ohio
	(Risk adjustments in homes and mobile units via healthcare vendors)	Texas

A motion was made by Commissioner Alsip with a second by Commissioner Morris to approve the Special Purpose applicants one through four (1-4). The motion was approved by unanimous vote.

IMLCC LICENSE The Commission received as information a report of the Interstate Medical Licensure Compact licenses that were issued November 15, 2019 through November 30, 2019. A copy of such report is attached hereto as Exhibit "A".

EXECUTIVE SESSION

Chairman Smith requested a motion to enter into executive session to discuss the general reputation and character, physical condition, professional competence, or mental health of an

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individual and to hear, deliberate and discuss evidence presented during any contested case hearings. A motion was made by Commissioner Walburn with a second by Commissioner Christopher to enter into executive session. The motion carried by unanimous approval. Chairman Smith announced that the Alabama Medical Licensure Commission would reconvene in a public session at approximately 11:00 a.m.

The Commission entered into executive session at 9:50 a.m.

Following the executive session, Commission Chairman, George C. Smith, Sr., M.D. reconvened the public meeting of the Alabama Medical Licensure Commission.

The Commission reconvened in public session at 11:10 a.m.

REPORTS

Physician Monitoring Report The Commission received as information the monthly physician monitoring report presented by RK Johnson.

Michael D. Dick, M.D. The Commission received as information an update on Dr. Dick's criminal trial.

Gursheel Dhillon, M.D. The Commission received as information the decision of the Court of Civil Appeals which affirmed the Commission's decision in this case.

Phillip Saunders, M.D. The Commission received as information a retirement waiver executed by Dr. Saunders. Dr. Saunders remains under the Consent Order with the Commission dated July 20, 2017.

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APPLICANTS FOR REVIEW

William Lindsey Fontenot, M.D. A motion was made by Commissioner Walburn to approve Dr. Fontenot's application for an Alabama medical license. A second was received by Commissioner Christopher and the motion was approved by unanimous vote.

Kasimu Senghor Moody, M.D. A motion was made by Commissioner Christopher with a second by Commissioner Morris to approve Dr. Moody's application for an Alabama medical license. The motion carried by unanimous vote.

Phillip Robert Kravetz, M.D. A motion was made by Commissioner Nagrodzki with a second by Commissioner Walburn to set a hearing for January 22, 2020. The motion carried by unanimous vote.

Craig C. Oliver, M.D. The Commission received as information an agreement and waiver from Dr. Oliver accepting a restricted medical license in Alabama. The Commission's Order of restriction is attached hereto as Exhibit "B".

REQUESTS

Michelle Snyder Jackson, M.D. The Commission received a proposed payment plan submitted by Dr. Jackson. A motion was made by Commissioner Christopher with a second by Commissioner Nagrodzki to issue an Order. The motion carried by unanimous vote. A copy of such Order is attached hereto as Exhibit "C".

Mark Peter Koch, D.O. The Commission received and considered a request from Dr. Koch for a reinstatement hearing before the Commission. A motion was made by

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Commissioner Alsip with a second by Commissioner Christopher to enter an Order. The motion carried by unanimous vote. A copy of such Order is attached hereto as Exhibit "D".

HEARINGS

Willie J. Chester, Jr., D.O. After consideration of information received during a confidential hearing, a motion was made by Commissioner Alsip with a second by Commissioner Walburn to enter an Order in this case. The motion carried by unanimous vote. A copy of such Order is attached hereto as Exhibit "E".

Patrick Emeka Ifediba, M.D. After consideration of information received during a confidential hearing, a motion was made by Commissioner Christopher with a second by Commissioner Alsip to enter an Order in this case. The motion carried by unanimous vote. A copy of such Order is attached hereto as Exhibit "F".

Joseph N.M. Ndolo, M.D. After consideration of the Record on Appeal filed by Dr. Ndolo, and the supplement to the record filed by the Alabama State Board of Medical Examiners, a motion was made by Commissioner Morris with a second by Commissioner Walburn to enter an Order in this case. The motion carried by unanimous vote. A copy of such Order is attached hereto as Exhibit "F".

ADDITIONAL

Karen Gardner Moore, M.D. The Commission received an Administrative Complaint And Petition For Summary Suspension filed by the Alabama State Board of Medical Examiners. A motion was made by Commissioner Christopher to enter an Order. The motion

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carried by unanimous vote. A copy of such Order is attached hereto as Exhibit "H".


Richard L. Snellgrove, M.D. The Commission received as information a Joint Settlement Agreement and Consent Order presented by the parties in this case. This hearing remains scheduled for January 22, 2020.

PUBLIC MEETING NOTICE: Chairman Smith announced the next meeting of the Alabama Medical Licensure Commission for Wednesday, January 22, 2020 at 9:00 a.m. A motion was made by Commissioner Christopher to adjourn the public portion of the meeting. The motion was adopted by unanimous vote.

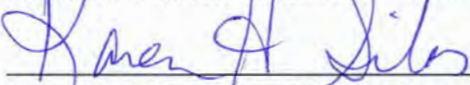
Public Meeting Adjourned at 12:35 p.m.

EXECUTIVE SESSION #2 - (Commission members only)

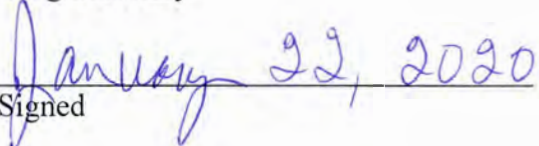
Chairman Smith requested a motion to enter into executive session to discuss the general reputation and character, physical condition, professional competence, or mental health of an individual. A motion was made by Commissioner Morris. The motion carried by unanimous approval. The Commission entered into executive session at 12:35 p.m. for the remainder of the meeting.



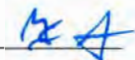
GEORGE C. SMITH, SR., M.D., Chairman
Alabama Medical Licensure Commission



Karen H. Silas, Executive Assistant,
Recording Secretary



Date Signed



IMLC Licenses Issued November 15, 2019 - November 30, 2019

Name	License_Type	Lic_no	Status	Issue_date	State of Principal Licensure
Andrew Dennis Mosier	DO	2100	Active	11/19/2019	Washington
Abdussalam Choudry	MD	38797	Active	11/21/2019	Illinois
Andrew John Doering	MD	38806	Active	11/22/2019	Colorado

**BEFORE THE MEDICAL LICENSURE COMMISSION
OF ALABAMA**

IN RE: The Matter of

CRAIG C. OLIVER, D.O.

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ORDER

This matter came before the Medical Licensure Commission of Alabama on November 22, 2019 on an application for licensure to practice medicine or osteopathy in the state of Alabama submitted by Craig C. Oliver, D.O.

On November 22, 2019, the Commission found that the application was due to be and was GRANTED on a probationary basis subject to the following terms of probation:

A. Dr. Oliver shall be restricted to practicing medicine or osteopathy only under the auspices of and under the supervision of attending physicians in the University of South Alabama's Internal Medicine Residency Program.

B. Dr. Oliver shall maintain his contract with the Alabama Physician's Health Program (APHP) in good standing and abide by all of the terms of that contract, including alcohol/drug screenings which APHP may require from time to time.

C. Dr. Oliver shall be monitored and tested by way of a Soberlink device for a period of one year at a frequency to be determined by the MLC in consult with APHP. Such testing shall be additional to the alcohol/drug testing required by Dr. Oliver's contract with APHP, but shall be administered and reviewed by APHP.

D. Dr. Oliver shall execute and, until such time as the MLC lifts the probation of Dr. Oliver's license or Dr. Oliver's license otherwise terminates, Dr. Oliver shall keep in effect a valid consent which complies with the requirements of 42 C.F.R. Part 2.

Entered this 15th day of January, 2020.

A handwritten signature in black ink that reads "George C. Smith, Sr., M.D." The signature is written in a cursive style with a horizontal line underneath.

George C. Smith, Sr., M.D., Chairman
Medical Licensure Commission of Alabama

BEFORE THE MEDICAL LICENSURE COMMISSION OF ALABAMA

ALABAMA STATE BOARD OF MEDICAL
EXAMINERS,

Complainant,

v.

MICHELLE SNYDER JACKSON, M.D.,

Respondent.

Case No. 15-355

ORDER

This matter came before the Commission on Respondent's submission of a proposed payment plan for the payment of fines assessed in the above-numbered case. The Commission finds that the Respondent's proposal is due to be and is hereby APPROVED.

Respondent shall pay installments of at least \$1,250.00 each month which payments shall be applied to the fines assessed in this case. The first of such payments shall be made on or before the last day of January, 2020 and continue until the full amount of the assessed fines are paid in full. Failure to pay at least \$1,250.00 each month shall be considered by the Commission as a violation of the terms of probation set out in the Commission's amended final order entered in this case on March 18, 2019.

ORDERED this the 15th day of January, 2020.



GEORGE C. SMITH, SR., M.D.

Chairman,

Medical Licensure Commission of Alabama

**BEFORE THE MEDICAL LICENSURE COMMISSION
OF ALABAMA**

ALABAMA STATE BOARD OF MEDICAL)
EXAMINERS,)

Complainant,)

Case No. 12-101

vs.)

MARK PETER KOCH, D.O.)

Respondent.)

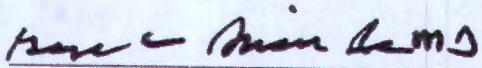
ORDER

This cause came before the Medical Licensure Commission of Alabama on December 20, 2019 and January 22, 2020. The Commission received an endorsement letter from the Alabama Professionals Health Program (APHP). The Commission finds from the letter submitted by APHP that Dr. Koch has had only one hair or nail test; that having been administered since August, 2019. The Commission's Order of October 7, 2018 required Dr. Koch to successfully complete one year of APHP-directed monitoring, which was required to include hair or nail drug testing at least once every sixty (60) days. The Commission's Order of August 21, 2019 ameliorated the frequency of such hair or nail testing to once every three (3) months. Dr. Koch, therefore, only came into compliance with the Commission's requirements on or about August 21, 2019.

The Commission finds that Dr. Koch has a history of requesting the reinstatement of his license while not being in compliance with the guidelines set out by the Commission. Dr. Koch's request is due to be tabled until Dr. Koch can demonstrate a sufficient history of compliance with the Commission's requirements, which include the drug-testing regimen set out herein and in previous orders.

It is, therefore, ORDERED, that Dr. Koch's request be and is hereby TABLED until such time as Dr. Koch has completed twelve (12) consecutive months of APHP-directed drug and alcohol testing, which testing must include hair or nail testing at least once every ninety (90) days beginning with the first hair or nail drug test administered after December 1, 2019, as well as compliance with the other requirements set out in the Commission's August 21, 2019 Order. Dr. Koch should notify the Commission no earlier than December of 2020 that he has been in compliance for twelve (12) consecutive months.

Done this 30 day of June, 2020.


GEORGE C. SMITH, SR., M.D., Chairman
Medical Licensure Commission of Alabama

**BEFORE THE MEDICAL LICENSURE COMMISSION
OF ALABAMA**

In Re The Matter of

WILLIE J. CHESTER, JR., D.O.

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Case No. 19-027

ORDER

This cause came before the Medical Licensure Commission of Alabama for hearing on the application for reinstatement, the Agreement dated October 23, 2019 and November 21, 2019, and the Consent Order of the Alabama Board of Medical Examiners dated November 21, 2019. The Commission finds that the application for reinstatement of license submitted by Dr. Chester is due to be and is hereby GRANTED and his license is placed on probation subject to the following terms and conditions of probation:

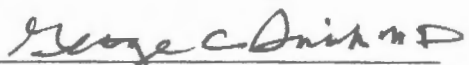
1. Dr. Chester's license is placed on probation for a term to run concurrent with the federal criminal probation he is serving with the United States Probation Office for the Middle District of Alabama in case number 2:17-CR-511-SLB;
2. Prior to the completion of his probation, Dr. Chester shall attend and successfully complete the Intensive Course in Controlled Substance Prescribing offered by Case Western Reserve University, or a similar course approved by the Board of Medical Examiners;
3. Prior to the completion of his probation, Dr. Chester shall attend and successfully complete an in-person Professional Boundaries and Ethics Course offered by PBI Education, or a similar course approved by the Board of Medical Examiners;
4. Dr. Chester shall abide by all state and federal laws as well as all state and federal administrative rules and regulations related the practice of medicine;

5. Dr. Chester shall comply with all terms of his criminal probation, and any violation, infraction, or sanctions of his criminal probation shall be deemed to be a violation of the terms and conditions of his license probation; and

6. Dr. Chester shall not seek reinstatement of his Alabama Controlled Substance Certificate (ACSC) until he has successfully completed the continuing medical educational requirements set out above.

Dr. Chester shall notify the Commission upon the completion of and release from his federal probation reference herein above.

Done this 15th day of January, 2020.


GEORGE C. SMITH, SR., M.D.
Chairman, Medical Licensure Commission
of Alabama

**BEFORE THE MEDICAL LICENSURE COMMISSION
OF ALABAMA**

ALABAMA STATE BOARD OF MEDICAL EXAMINERS,)	Case No. 19-165
)	
Complainant,)	
)	
vs.)	
)	
PATRICK E. IFEDIBA, M.D.,)	
)	
Respondent.)	
)	

FINAL ORDER

This cause came before the Medical Licensure Commission of Alabama for hearing on December 20, 2019 on the Administrative Complaint filed by the Alabama Board of Medical Examiners. Due notice having been given, Dr. Ifediba was not present for the hearing and no representative appeared on his behalf. Upon information and belief, Dr. Ifediba was incarcerated at the time of the hearing. Evidence having been submitted and accepted, the Commission makes the following findings of fact:

1. That Dr. Patrick E. Ifediba was convicted by a jury in the United States District Court for the Northern District of Alabama of one count of Conspiracy to Commit Health Care Fraud in violation of 18 U.S.C. § 1349, ten counts of Health Care Fraud, one count of Conspiracy to Distribute a Controlled Substance Outside the Usual Course of Professional Practice or Not for a Legitimate Medical Purpose in violation of 21 U.S.C. § 846, fourteen counts of Distributing or Dispensing a Controlled Substance Outside the Usual Course of Professional Practice or Not for a Legitimate Medical Purpose in violation of 21 U.S.C. § 841(a)(1), one count of Maintaining Premises for the Unlawful Distribution of Controlled

Substances in violation of 21 U.S.C. § 856(a)(1), one count of Conspiracy to Commit Money Laundering in violation of 18 U.S.C. § 1956(h), three counts of Money Laundering in violation of 18 U.S.C. § 1956(a)(1)(B)(i), and four counts of Engaging in Illegal Monetary Transactions in an Amount Greater than ten thousand dollars (\$10,000) in violation of 18 U.S.C. § 1957; that the said jury returned its verdict on July 16, 2019;


2. That, in addition to operating a “pill mill,” Dr. Ifediba operated his practice under the guise of an allergy practice as part of a scheme to defraud insurers; that Dr. Ifediba performed allergy skin prick tests on every patient who had insurance without a basis in medical necessity; that Dr. Ifediba instructed his staff to withhold patients’ opioid prescriptions if they refused to be tested; that Dr. Ifediba, then, prescribed immunotherapy for every patient who was tested, regardless of the results of the skin tests; that, at Dr. Ifediba’s instruction, millions of dollars of fraudulent claims were submitted to health insurers for these unnecessary tests and treatment, for which Dr. Ifediba was paid; and that Dr. Ifediba falsely claimed that the patients’ co-pays for these tests and treatment had been collected when they had not.

Based upon these findings, the Commission concludes that Dr. Ifediba:

1. Has been convicted of a felony in violation of § 34-24-360(4) Ala. Code (1975);
2. Has been convicted of a crime or offense which reflects the inability of the practitioner to practice medicine or osteopathy with due regard for the health or safety of his or her patients in violation of § 34-24-360(5);
3. Has been convicted of a violation of federal or state law relating to controlled substances in violation of § 34-24-360(6); and
4. Has been convicted of fraud in filing Medicare or Medicaid claims or in filing claims to third-party payors in violation of § 34-24-360(14).

It is, therefore, ORDERED that the license to practice medicine or osteopathy in the state of Alabama issued to Patrick E. Ifediba, M.D. be and is hereby REVOKED.

Done this 15th day of January, 2020.



GEORGE C. SMITH, SR., M.D.
Chairman, Medical Licensure Commission
of Alabama

**BEFORE THE MEDICAL LICENSURE COMMISSION
OF ALABAMA**

In Re: the Matter of

JOSEPH N. M. NDOLO, M.D.,

Case No. A19-268

**ORDER ON APPEAL OF DENIAL OF APPLICATION FOR
REINSTATEMENT OF CERTIFICATE OF QUALIFICATION**

This matter comes before the Medical Licensure Commission of Alabama on the appeal of Joseph N. M. Ndolo, M.D. of the denial of a reinstatement of a certificate of qualification by the Alabama Board of Medical Examiners, the Motion to Dismiss the appeal filed by the Board, the objection by the Board of the inclusion of Dr. Ndolo's Exhibit 10 and the transcript of the July 21, 2017 hearing and the Board's supplement to the record. The matter was submitted to the Commission on brief, and both parties filed briefing documents.

The Record on Appeal

Dr. Ndolo was required by provisions of § 545-X-4-.01 and § 540-X-5-.07 of the Alabama Administrative Code to file the record on appeal. Dr. Ndolo filed a record in this case. The Board objected to two inclusions of that record and supplemented that record. The Board objected to the inclusion in the record of Dr. Ndolo's Exhibit 10, which is correspondence with the Commission setting out information he states that he would have given to the Board had he known they wanted such information. Sections 545-X-4-.01 and 540-X-5-.07 of the Alabama Administrative Code limit what may be included in the record on appeal with a caveat that "the appellant may, upon application, be permitted to supplement the record on appeal, upon a

showing that the evidence was newly discovered or was not reasonably available to the appellant at the time of the hearing before the Board.” §§ 545-X-4-.01, 540-X-5-.07 Ala. Admin. Code.

The Commission finds that Dr. Ndolo’s submission of his Exhibit 10 does not meet the parameters of the caveat above. The Board’s objection to Exhibit 10 is, therefore, sustained and the document stricken from the record on appeal.


The Board also objected to the inclusion of the transcript of the July 17, 2019 hearing before the Board. The record on appeal, however, includes “[a] verbatim transcript of the proceedings before the Board.” §§ 545-X-4-.01, 540-X-5-.07 Ala. Admin. Code. The objection is, therefore, overruled and the transcript shall remain a part of the record on appeal.

The Board sought to supplement the record on appeal with Exhibits 1 through 9, those being the Board’s exhibits which the Board considered in its denial. Those documents are properly a part of the record and the motion by the Board to supplement is, therefore, granted. The record on appeal includes the Board’s Exhibits 1 through 9.

The Appeal

Upon consideration of the record on appeal in the form set out above and the briefs of the parties, the Medical Licensure Commission of Alabama finds that the denial by the Alabama Board of Medical Examiners of reinstatement of Dr. Ndolo’s certificate of qualification is due to be and is hereby AFFIRMED.

Done this 15th day of January, 2020.



GEORGE C. SMITH, SR., M.D.
Chairman, Medical Licensure Commission
of Alabama

ALABAMA STATE BOARD OF
MEDICAL EXAMINERS,

Complainant,

v.

KAREN S. GARDNER MOORE, M.D.

Respondent.

BEFORE THE MEDICAL LICENSURE
COMMISSION OF ALABAMA

CASE NO. 2019-190

**ORDER TEMPORARILY SUSPENDING LICENSE
AND SETTING HEARING**

Upon the verified Administrative Complaint of the Alabama State Board of Medical Examiners, and pursuant to the authority of Ala. Code §§ 34-24-361(f) and 41-22-19(d), it is the ORDER of the Commission that the license to practice medicine in Alabama, license certificate number MD.25444, of KAREN S. GARDNER MOORE, M.D., be, and the same is hereby, immediately suspended. KAREN S. GARDNER MOORE, M.D., is hereby ORDERED and DIRECTED to surrender the said license certificate to Scott Sides, a duly authorized agent of the Medical Licensure Commission. KAREN S. GARDNER MOORE, M.D., is hereby ORDERED to immediately CEASE and DESIST from the practice of medicine in the State of Alabama until such time as the Administrative Complaint of the Alabama State Board of Medical Examiners shall be heard by the Commission and a decision rendered thereon.

This action is made consistent with the Rules and Regulations of the Board of Medical Examiners and the Medical Licensure Commission and Ala. Code § 34-24-361(f), based upon the request of the Alabama State Board of Medical Examiners upon the Board's finding and certification that the Board presently has evidence in its possession that the continuance in practice

of KAREN S. GARDNER MOORE, M.D. may constitute an immediate danger to her patients and/or the public.

It is the further ORDER of the Medical Licensure Commission that the Administrative Complaint of the Alabama State Board of Medical Examiners be, and the same is hereby, set for hearing on the 22nd day of April, 2020, at 9:30 a.m., at the offices of the Medical Licensure Commission, 848 Washington Avenue, Montgomery, Alabama.

KAREN S. GARDNER MOORE, M.D., is ORDERED to appear before the Commission at the aforesaid time and date to answer the allegations of the Administrative Complaint filed by the Alabama State Board of Medical Examiners.

It is the further ORDER of the Commission that a copy of the verified Administrative Complaint of the Alabama State Board of Medical Examiners and a copy of this order shall be forthwith served upon KAREN S. GARDNER MOORE, M.D., by personally delivering the same to her at her office or at her residence or such place as she may be found in the State of Alabama, or by certified mail, return receipt requested, to her last known address if she cannot be found in the State of Alabama. The Commission further directs that the service of process shall be made by Scott Sides, who is designated as the duly authorized agent of the Medical Licensure Commission.

It is further ordered that the parties and their attorneys immediately check their calendars for scheduling conflicts. No requests for continuances based upon scheduling conflicts of attorneys or parties will be considered unless such request is made forty-five (45) days prior to the scheduled hearing date.