

**MINUTES**  
**Special Called Meeting**  
**MEDICAL LICENSURE COMMISSION OF ALABAMA**  
**Meeting Location: Sandestin Golf & Beach Resort, Baytowne Conference Center, Cypress**  
**Boardroom, 9300 Emerald Coast Parkway West, Miramar Beach, Florida 32550**

**October 4, 2020**

**MEMBERS PRESENT IN PERSON**

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

**MEMBERS NOT PRESENT**

James H. Walburn, M.D.

**OTHERS PRESENT**

Karen H. Silas, MLC Recording Secretary  
Wallace D. Mills, MLC Legal Counsel

**Call to Order: 9:30 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 special called meeting of the Alabama Medical Licensure Commission.

**CURRENT BUSINESS**

**MLC New Emblem**      The Commission considered a new MLC emblem design to replace the design that is currently printed on all Commission licensure wall certificates and used in other areas to represent the Alabama Medical Licensure Commission. A motion was made by Commissioner Christopher with a second by Commissioner Varner to approve the new design; to



remove gender references from all of the current Commission licensure wall certificates and to allow physicians to receive a replacement wall certificate with the new design at no charge upon the filing of a replacement certificate application and returning their original wall certificate. The motion was approved by unanimous vote. Commissioner Alsip will finalize a press release regarding the new design and replacement process that will be posted on the agency website and sent to other media outlets.

BME and MLC Joint Consultant Group on Physician Sexual Misconduct A motion was made by Commissioner Christopher with a second by Commissioner Morris to propose amendments to the BME and MLC Joint Statement on Physician Sexual Misconduct that was recently adopted by the Alabama Board of Medical Examiners. The motion was adopted by unanimous vote.

Mark Wayne Ernest, M.D. A draft Order was presented for review by Commission legal counsel, Wallace Mills in this case. A motion was made by Commissioner Alsip with a second by Commissioner Hill to approve the proposed amended language. The motion carried by unanimous vote. A copy of such Order is attached as Exhibit "F" to the Minutes of September 23, 2020.

**PUBLIC MEETING NOTICE:** Chairman Smith announced the next meeting of the Alabama Medical Licensure Commission for Thursday, October 29, 2020, at 9:00 a.m. to be held at the Commission offices. A motion was made by Commissioner Morris with a second by Commissioner Hill to adjourn the meeting. The motion was adopted by unanimous vote.  
Meeting Adjourned at 10:09 a.m.



*George C. Smith, Sr.*

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

*Karen H. Silas*

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Karen H. Silas, Executive Assistant,  
Recording Secretary

*December 21, 2020*

\_\_\_\_\_  
Date Signed

BEFORE THE MEDICAL LICENSURE COMMISSION  
OF ALABAMA

ALABAMA STATE BOARD OF MEDICAL )  
EXAMINERS, )

Complainant, )

Case No. 2020-050

vs. )

MARK WAYNE ERNEST, M.D. )

Respondent. )

FINAL ORDER

This matter came before the Medical Licensure Commission for final hearing on September 23, 2020 on the Administrative Complaint filed in the above action. Dr. Ernest was present and testified.

From the testimony and evidence submitted at said hearing the Medical Licensure Commission of Alabama finds that Dr. Ernest “pre-signed at least ninety-two (92) blank prescriptions” on or about August 9, 2017 in the state of Tennessee; that Dr. Ernest admitted to pre-signing the prescriptions and to creating a serial number for each pre-signed prescription in an attempt to prevent diversion or misuse. The Commission further finds that Dr. Ernest’s Tennessee medical license was disciplined by Agreed Order of the State of Tennessee Department of Health based upon an act or acts which are prohibited or similar to those prohibited by Ala. Code § 34-24-360(2) and Ala. Admin Code §§ 540-X-4-.06(13) and 545-X-4-.06. While Dr. Ernest was not so charged with, it was apparent at the hearing that Dr. Ernest is not familiar with and has not followed the Board of Medical Examiner’s rules governing collaborative practice with advanced practice nurses.

Based upon these finding the Commission concludes that Mark Wayne Ernest, M.D. was disciplined in another state for acts similar to acts prohibited in Alabama in violation of Ala. Code § 34-24-360(15).

It is, therefore, ORDERED as follows:

1. That Mark Wayne Ernest, M.D. shall pay the costs, fees, and expenses incurred by the Alabama Board of Medical Examiners in this action. The Board of Medical Examiners is directed to submit a bill of costs, fees, and expenses within thirty (30) days of this order, along with a verification that such costs, fees, and expenses were necessary for the prosecution of the case, which bill and verification shall be served by the Board upon Respondent;

2. That the license to practice medicine in the state of Alabama issued to Mark Wayne Ernest, M.D. shall be and is hereby suspended; said suspension, however, shall be and is hereby stayed, and Dr. Ernest's license is placed on probation. During the pendency of said probation, Dr. Ernest shall be and is hereby prohibited from engaging in collaborative practice in the state of Alabama as provided for in Alabama Administrative Code Chapter 540-X-8. The probation provided for herein shall be lifted upon the occurrence of all of the following:

a. The lifting of the probation heretofore placed on Dr. Ernest's medical license in the state of Tennessee, and the return of that license to full and unrestricted status; and

b. Dr. Ernest shall meet with the Alabama Board of Medical Examiner's Collaborative Practice Coordinator, either in person or virtually, for a review of the collaborative practice rules applicable in the state of Alabama;

Dr. Ernest shall notify the Commission when all of the above requirements have been met and submit any and all documentation necessary or requested to support the occurrence and/or completion of thereof.

Done this 6<sup>th</sup> day of October, 2020.

*George C. Smith Sr MD*

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