

**MINUTES**  
**Monthly Meeting**  
**MEDICAL LICENSURE COMMISSION OF ALABAMA**  
**Meeting Location: 848 Washington Avenue**  
**Montgomery, Alabama 36104**

**October 25, 2022**

**MEMBERS PRESENT IN PERSON**

Craig H. Christopher, M.D., Chairman  
Jorge Alsip, M.D., Vice-Chairman  
Kenneth W. Aldridge, M.D.  
Pamela Varner, M.D.  
Paul M. Nagrodzki, M.D.  
Howard J. Falgout, M.D.

**MEMBERS NOT PRESENT**

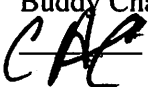
L. Daniel Morris, Esq.  
Gary Hill, D.O.

**OTHERS PRESENT**

Karen H. Silas, Operations Director (Recording)  
Nicole Chapman, Administrative Assistant (Recording)  
Aaron Dettling, MLC Legal Counsel  
Heather Lindemann, Licensing Assistant  
Chris Hart, Technology  
Winston Jordan, Technology  
Roland Johnson, Physician Monitoring  
Wilson Hunter, BME Legal Counsel  
Blake Henson, BME Legal Counsel  
William Perkins, BME Executive Director  
Matt Hart, Special Counsel

**SECURITY**

Greg Hardy  
Scott Sides  
Randy Dixon  
Becky Daniels  
Ben Schlemmer  
Anthony Crenshaw  
Stephen Lavender  
Buddy Chavez



Call to Order: 9:03 a.m.

Prior notice having been given in accordance with the Alabama Open Meetings Act, and with a quorum of six members present, Commission Chairman, Craig H. Christopher, M.D. convened the monthly meeting of the Alabama Medical Licensure Commission.

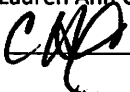
### **OLD BUSINESS**

**MINUTES** Commissioner Nagrodzki made a motion that the Minutes of September 28, 2022 be approved. A second was made by Commissioner Alsip. The motion was approved by unanimous vote.

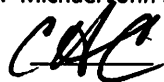
### **NEW BUSINESS**

### **FULL LICENSURE APPLICANTS**

| <b><u>Name</u></b>            | <b><u>Medical School</u></b>                                  | <b><u>Endorsement</u></b> |
|-------------------------------|---------------------------------------------------------------|---------------------------|
| 1. Khaled Amin Al-Robaidi     | University of Jordan                                          | USMLE                     |
| 2. Abid Ali                   | University of Alabama School of Medicine Birmingham           | USMLE                     |
| 3. Aday Opoku Amoako          | Ross University                                               | USMLE/PA                  |
| 4. Joseph Alan Bardinelli     | Lincoln Memorial Univ Debusk College of Osteopathic Medicine  | COMLEX/PA                 |
| 5. Katherine Swint Barnes     | University of Alabama School of Medicine Birmingham           | USMLE                     |
| 6. Brooke Baxter Bartow       | East Tennessee State Univ James H Quillen College of Medicine | USMLE                     |
| 7. Chelsea Alanah Berger      | University of Alabama School of Medicine Birmingham           | USMLE                     |
| 8. Kenneth S Boockvar         | Duke University School of Medicine                            | FLEX/NY                   |
| 9. Jose Alejandro Bregni      | Universidad Francisco Marraquin                               | USMLE                     |
| 10. Tu Le Tuan Bui            | Medical University of the Americas (Nevis)                    | USMLE/OK                  |
| 11. Nathaniel David Burnham   | Edward Via College of Osteopathic Medicine, Carolinas Campus  | COMLEX/TX                 |
| 12. Kevin Vance Bushey        | Georgetown University School of Medicine                      | USMLE/NC                  |
| 13. William Seth Cappleman    | Nova Southeastern University College of Osteopathic Medicine  | COMLEX                    |
| 14. Patrick Christian Carr    | University of Mississippi School of Medicine                  | USMLE/VA                  |
| 15. David Gudipati Chandran   | Kurnool Medical College, NTR University of Health Sciences    | FLEX/MD                   |
| 16. Dipal Chatterjee-Berfroid | Medical University of Vienna Medical University of Graz       | USMLE/TX                  |
| 17. Malcom Cunningham         | Medical University of South Carolina College of Medicine      | NBME/CA                   |
| 18. Lauren Ann Curwick        | Medical College of Wisconsin                                  | USMLE                     |



| <b><u>Name</u></b>           | <b><u>Medical School</u></b>                                    | <b><u>Endorsement</u></b> |
|------------------------------|-----------------------------------------------------------------|---------------------------|
| 19. Tishe Veli Dalipi        | New York College of Osteopathic Medicine                        | COMLEX/NY                 |
| 20. Jonathan Richard Daly    | West Virginia School of Osteopathic Medicine                    | COMLEX/PA                 |
| 21. Abby Matthews Davidson   | University of Mississippi School of Medicine                    | USMLE                     |
| 22. Joel Steven Deleeuw      | Texas Tech Univ School Of Medicine                              | USMLE                     |
| 23. Aalaap Dipakkumar Desai  | University of Mississippi School of Medicine                    | USMLE                     |
| 24. Turkan Alinea Esensoy    | University of Alabama School of Medicine Birmingham             | USMLE                     |
| 25. Colton Dewayne Eubanks   | New York College of Osteopathic Medicine                        | COMLEX                    |
| 26. Michael Robert Evans     | Virginia Commonwealth University School of Medicine             | USMLE                     |
| 27. Simon Fensterzaub        | New York Medical College                                        | COMLEX/NY                 |
| 28. Stephen M. Fisher        | University of Texas - Houston Medical School                    | USMLE/TX                  |
| 29. Nicholas M Forrister     | Augusta University                                              | USMLE                     |
| 30. Benjamin Angus Fritz     | Stanford University School Of Medicine                          | USMLE/CA                  |
| 31. Gerald Galen Garriga     | University of South Alabama College of Medicine                 | USMLE                     |
| 32. Gillian Garver           | University of Alabama School of Medicine Birmingham             | USMLE                     |
| 33. Andrew Arthur Girard     | UCF College of Medicine                                         | USMLE                     |
| 34. Jennifer Loso Girard     | University of Florida College of Medicine                       | USMLE                     |
| 35. Eric Lee Grogan          | Vanderbilt University School of Medicine                        | USMLE/TN                  |
| 36. Hua Guo                  | Sichuan Medical College                                         | USMLE/PA                  |
| 37. Landry L Hadderton       | Texas Tech University Health Sciences Center School of Medicine | USMLE                     |
| 38. Kelly Lynn Hale          | University of Texas Medical School at San Antonio               | USMLE/KY                  |
| 39. Haniya J Halim           | Wayne State University School of Medicine                       | USMLE                     |
| 40. Gregory L Harkey         | Northeastern Ohio Universities College of Medicine              | USMLE/OH                  |
| 41. Christopher B Hartness   | Virginia Commonwealth University School of Medicine             | USMLE/VA                  |
| 42. David Prince Heaner      | University of Central Florida College of Medicine               | USMLE                     |
| 43. Daniel Louis Hess        | University of Virginia School of Medicine                       | USMLE                     |
| 44. Susana J Ho              | Pennsylvania State University College of Medicine               | USMLE/MI                  |
| 45. Gaither Wilson Horde     | Augusta University                                              | USMLE                     |
| 46. Clara Hua                | Uniformed Services University                                   | USMLE                     |
| 47. Marc Alan Hultquist      | Des Moines University Osteopathic Medicine Center               | COMLEX/IA                 |
| 48. Hayden Edwards Hundley   | University of South Alabama College of Medicine                 | USMLE/PA                  |
| 49. Danielle Saint Ulme Jean | American University of The Caribbean                            | USMLE/DC                  |
| 50. Christiana M Jeukeng     | University of Virginia School of Medicine                       | USMLE                     |
| 51. Justin Franklin Johnson  | Drexel University College of Medicine                           | USMLE/MD                  |
| 52. James Rush Jones         | University of Alabama School of Medicine Birmingham             | USMLE                     |
| 53. Jacob Jorns              | Louisiana State University Medical Center In Shreveport         | USMLE/FL                  |
| 54. Pouya Khankhanian        | University of California, San Francisco School of Medicine      | USMLE/PA                  |
| 55. Sindhu S Lakkur          | University of Alabama School of Medicine Birmingham             | USMLE                     |
| 56. Pearce Walker Lane       | Augusta University                                              | USMLE                     |
| 57. David Phuc Le            | Tulane University School of Medicine                            | USMLE                     |
| 58. Nicole L Lohr            | Medical College of Wisconsin                                    | USMLE/WI                  |
| 59. Maliena Michi Longley    | Brody School of Medicine at East Carolina University            | USMLE/FL                  |
| 60. Robert Jeffrey Mahoney   | University of Tennessee Memphis College of Medicine             | USMLE/GA                  |
| 61. Morgan Read Martin       | University of Alabama School of Medicine Birmingham             | USMLE                     |
| 62. Justine Harris McKee     | Alabama College of Osteopathic Medicine                         | COMLEX                    |
| 63. Alexander P McNally      | Eastern Virginia Medical School                                 | USMLE/VA                  |
| 64. Kyle Kenneth Meissner    | University of Texas - Houston Medical School                    | USMLE                     |
| 65. Vinayak Goud Memula      | University of Alabama School of Medicine Birmingham             | USMLE                     |
| 66. Nathaniel James Moore    | Arkansas College of Osteopathic Medicine                        | COMLEX                    |
| 67. Michael John Moser       | Flinders University of South Australia                          | USMLE/PA                  |



| <b><u>Name</u></b>           | <b><u>Medical School</u></b>                                     | <b><u>Endorsement</u></b> |
|------------------------------|------------------------------------------------------------------|---------------------------|
| 68. Michael J Nelson         | University of Illinois College of Medicine Chicago               | NBME/MO                   |
| 69. Kim Phuong Thi Nguyen    | New York College of Osteopathic Medicine                         | COMLEX                    |
| 70. Jordana Beth Paine       | University of Texas Southwestern Medical Center at Dallas        | FLEX/TX                   |
| 71. Alexis Nicole Parks      | University of North Texas Health Science Center                  | COMLEX                    |
| 72. Sajal Patel              | Mercer University School of Medicine                             | USMLE /VA                 |
| 73. Robert Weston Perkins    | Uniformed Services University of Health Sciences                 | USMLE/VA                  |
| 74. Mugilan Poongkunran      | P S G Inst Med Sci Bharathiar University                         | USMLE/LA                  |
| 75. Pooja Poudel             | Manipal College of Medical                                       | USMLE/LA                  |
| 76. Brian Chandler Pride     | University of Mississippi School of Medicine                     | USMLE                     |
| 77. Andrew A. Quinlan        | University of New England College of Osteopathic Medicine        | COMLEX                    |
| 78. Kristen Rae Rahn         | University of Wisconsin Medical School                           | USMLE/WI                  |
| 79. Michael D Robinson       | Kansas City University of Medicine & Biosciences                 | NBOME                     |
| 80. John Emerson Scheinuk    | Louisiana State University School of Medicine New Orleans        | USMLE                     |
| 81. Jason C Schroeder        | Louisiana State University School of Medicine New Orleans        | USMLE                     |
| 82. John Henning Schumann    | Case Western Reserve University School of Medicine               | OK/USMLE                  |
| 83. Delaney H Sheehan        | Louisiana State University School of Medicine New Orleans        | USMLE                     |
| 84. Paul Eugene Sheffield    | University of Mississippi School of Medicine                     | FLEX/MS                   |
| 85. Roger Shen               | Midwestern University, Arizona Campus                            | TX/COMLEX                 |
| 86. Angela Danielle Sickels  | Virginia Commonwealth University School of Medicine              | USMLE                     |
| 87. Sarah Lin Skelly         | Lake Erie College of Osteopathic Medicine                        | COMLEX/FL                 |
| 88. Erin Elizabeth Smith     | Meharry Medical College School of Medicine                       | USMLE                     |
| 89. Alan Nicholas Smiy       | American University of The Caribbean                             | USMLE/MI                  |
| 90. David Wayne Somers       | Louisiana State University School of Medicine New Orleans        | USMLE/CA                  |
| 91. Joshua Aaron Sonnen      | Keck School of Medicine of the University of Southern California | USMLE/WA                  |
| 92. Dan Wade Spell           | Augusta University School of Medicine                            | USMLE                     |
| 93. Katherine E Sprouse      | University of Oklahoma Health Science Center                     | USMLE                     |
| 94. Caroline Gragg Stanek    | University of South Carolina School of Medicine                  | USMLE                     |
| 95. Jenna Nell Stanford      | University of Alabama School of Medicine Birmingham              | USMLE                     |
| 96. Cydney Nichole Terryn    | Florida State University College of Medicine                     | USMLE                     |
| 97. Absalom H Tilley         | University of Arkansas College of Medicine                       | SPEX/AR                   |
| 98. Zandraetta L Tims-Cook   | Cornell University Medical College                               | USMLE/TN                  |
| 99. Hillary Beth Vaughan     | University of Alabama School of Medicine Birmingham              | USMLE                     |
| 100. Garrison Cole Veazey    | University of Alabama School of Medicine Birmingham              | USMLE                     |
| 101. Stevan A Walkowski      | Ohio University College of Osteopathic Medicine                  | COMLEX/OH                 |
| 102. Isaac R K Weintraub     | East Tennessee State Univ James H Quillen College of Medicine    | USMLE                     |
| 103. Natalie Ann West        | Liberty University College of Osteopathic Medicine               | COMLEX                    |
| 104. Joe Jordan Williams     | Edward Via College of Osteopathic Medicine, Auburn Campus        | COMLEX                    |
| 105. Samantha Williams       | American University of Antigua                                   | USMLE/FL                  |
| 106. Alicia Leshae Williams  | University of Alabama School of Medicine Birmingham              | USMLE                     |
| 107. Maxie Miriam Wilson     | Edward Via College of Osteopathic Medicine, Carolinas Campus     | COMLEX/CT                 |
| 108. Yingtao Zhang           | Xi'an Jiatong University                                         | USMLE/PA                  |
| 109. *Veronica Rodriguez     | Saint Georges University                                         | USMLE/FL                  |
| 110. *Marshelya D. Wilson    | Meharry Medical College School of Medicine                       | USMLE/TN                  |
| 111. *Lacia Chapman          | Indiana University School of Medicine Indianapolis               | USMLE/VA                  |
| 112. *Allen Hollen Leung     | SUNY Upstate Medical Univ College of Medicine                    | USMLE/NY                  |
| 113. *Bean Woo               | Univ of Alabama School of Medicine Birmingham                    | USMLE                     |
| 114. Catherine M. Harrington | Ross University                                                  | USMLE/FL                  |

*CME*

*\*Approved pending acceptance and payment of a NDC issued by BME.*

A motion was made by Commissioner Alsip with a second by Commissioner Nagrodzki to approve applicants one through one hundred fourteen (1-114) for full licensure. The motion was approved by unanimous vote.

### **LIMITED LICENSE APPLICANTS**

|     | <b><u>Name</u></b>     | <b><u>Medical School</u></b>               | <b><u>Endorsement</u></b> | <b><u>Location</u></b>    | <b><u>License</u></b> |
|-----|------------------------|--------------------------------------------|---------------------------|---------------------------|-----------------------|
| 1.  | Hayder AlHashim        | Royal College of Surgeons in Ireland       | LL/AL                     | UAB Neurology Res Prog    | R                     |
| 2.  | Ahmed G S Ahmed Ali    | Menoufia Univ Faculty of Medicine          | LL/AL                     | UAB Huntsville IM Res Pro | R                     |
| 3.  | Pavel W Barahona Rubio | Universidad Autonoma De Guadalajara        | LL/AL                     | UAB Huntsville FM Res Pro | R                     |
| 4.  | John Blake Guidry      | LSU Medical Center In Shreveport           | LL/AL                     | Thomas Hospital IM        | R                     |
| 5.  | George Hayden Gunn     | USA College of Medicine                    | LL/AL                     | UAB Huntsville IM Res Pro | R                     |
| 6.  | Sanjana V Jarrett      | Arkansas College of Osteo Medicine         | LL/AL                     | UAB Huntsville IM Res Pro | R                     |
| 7.  | Pranayraj Kondapally   | USA College of Medicine                    | LL/AL                     | UAB Huntsville IM Res Pro | R                     |
| 8.  | Tyler James Newell     | UAB                                        | LL/AL                     | UAB Huntsville IM Res Pro | R                     |
| 9.  | Jawaria Rahman         | Case Western Reserve U School of Med       | LL/AL                     | USA Pathology Res Pro     | R                     |
| 10. | Kayla Nicole Ramirez   | Edward Via Virginia College of Osteo Med   | LL/AL                     | UAB Huntsville IM Res Pro | R                     |
| 11. | Kaehler James Roth     | UAB                                        | LL/AL                     | UAB Huntsville IM Res Pro | R                     |
| 12. | Ian Sweitzer           | Lincoln Memorial U Debusk C of Osteo Med   | LL/AL                     | UAB Huntsville IM Res Pro | R                     |
| 13. | Dakota Tyler Turner    | Edward Via College of Osteo Med, Carolinas | LL/AL                     | UAB Huntsville IM Res Pro | R                     |
| 14. | Uday Vemulapalli       | Dr. N.T.R. University of Health Sciences   | LL/AL                     | Brookwood IM Res Pro      | R                     |

A motion was made by Commissioner Alsip with a second by Commissioner Nagrodzki to approve the limited license applicants one through fourteen (1-14). The motion was approved by unanimous vote.

### **IMLCC Report**

The Commission received as information a report of the licenses that were issued via the Interstate Medical Licensure Compact from September 1, 2022 through September 30, 2022. A copy of this report is attached as Exhibit "A".



## **APPLICANTS FOR REVIEW**

**Mishi Bhushan, M.D.** A motion was made by Commissioner Varner with a second by Commissioner Aldridge to table any action on this licensure application until the following month. Commissioner Alsip will communicate with Sandra Frazier, M.D for a recommendation on Dr. Bhushan. The motion was approved by unanimous vote.

**Evan Thomas, D.O.** A motion was made by Commissioner Alsip with a second by Commissioner Falgout to approve Dr. Thomas' application for full licensure. The motion carried by unanimous vote.

## **REPORTS**

**IMLCC Annual Report – 2022** The Commission received as information the IMLCC Annual Report.

**Physician Monitoring Report** The Commission received as information a physician monitoring report dated October 20, 2022. Roland Johnson gave a verbal update and recommendation on Gary Bullock, D.O. along with an update on the practice locations of Vinson DiSanto, D.O.

*CME*

## **REQUESTS**

Oscar D. Almeida, M.D. The Commission received a request from Dr. Almeida for approval of a practice plan. A decision on this request was tabled until the November meeting and receipt of Dr. Almeida's full report from Acumen Assessments.

## **ADMINISTRATIVE FILINGS**

Kevin Leigh Crandell, M.D. A motion was made by Commissioner Alsip with a second by Commissioner Nagrodzki to accept the voluntary surrender of Dr. Crandell's medical license. The motion carried by unanimous vote.

## **DISCUSSION ITEMS**

BME Amendments to COQ Application – Chapter 540-X-3 The Commission received as information the Alabama Board of Medical Examiners proposed amendments to the current COQ Application – Chapter 540-X-3, Appendix A.

Iqbal I. Singh, M.D. The Commission received as information an order from the Circuit Court of Dallas County, Alabama, dismissing Dr. Singh's lawsuit against the Alabama Board of Medical Examiners, the Medical Licensure Commission and E. Wilson Hunter. Attorneys Dettling and Hunter briefed the Commission on the legal impact of the Court's ruling.



Scott M. Kelly, M.D. A motion was made by Commissioner Alsip with a second by Commissioner Aldridge to appoint Judge Gordon as hearing officer in the matter of Scott M. Kelly, M.D. The motion carried by unanimous vote.

## **HEARINGS**

Christopher P. Gay, D.O. The Commission received confirmation from Chairman, Christopher that this hearing was previously continued to a future date. The Commission Chairman noted that Dr. Gay is currently in a court ordered rehabilitation program. A motion was made by Commissioner Alsip with a second by Commissioner Nagrodzki to affirm the continuance of this hearing and issue an order setting hearing for May 2023. Dr. Gay or his attorney will provide a full status report on or before April 30, 2023. Dr. Gay will be expected to provide six months of negative drug screens, proof of initiation of an assessment with CPEP, agree to release the full assessment report to the Commission and follow all recommendations. Additionally, Dr. Gay is required to provide an APHP contract and communication from APHP that they advocate for his return to the practice of medicine. This motion was approved by unanimous vote. A copy of the Commission's order is attached as Exhibit "B".

The Commission entered into a closed hearing at 10:21 a.m. as permitted by the Code of Ala. § 34-24-361.1 in the matters set out below.





Scott M. Kelly, M.D. At the conclusion of this hearing a motion was made by Commissioner Alsip with a second by Commissioner Nagrodzki to issue an order suspending Dr. Kelly's Alabama medical license, assessing an administrative fine in the amount of \$10,000.00 and assessing administrative costs to be filed by the Alabama Board of Medical Examiners. The motion was approved by unanimous vote. A copy of the Commission's order is attached as Exhibit "C".

Mark P. Koch, D.O. At the conclusion of this hearing, a motion was made by Commissioner Nagrodzki with a second by Commissioner Alsip to grant Dr. Koch's request for reinstatement, provided that Dr. Koch's license will be restricted as follows: Before resuming the practice of medicine, Dr. Koch shall have a detailed practice plan approved by the Commission, and an onsite preceptor which has been approved by both the Commission and CPEP. Dr. Koch will not be allowed to practice weight management, chronic pain management, or Medication Assisted Treatment (MAT) for addiction. Dr. Koch is required to maintain an indefinite contract with the Alabama Professionals Health Program with monthly urine screens and quarterly hair or nail testing. Until such time that Dr. Koch completes his education plan, the Commission will require quarterly reports from CPEP. The motion was approved by unanimous vote. A copy of the Commission's order is attached as Exhibit "D".

Gabriel H. Hester, M.D. At the conclusion of this hearing, a motion was made by Commissioner Alsip with a second by Commissioner Nagrodzki to find Dr. Hester not guilty of

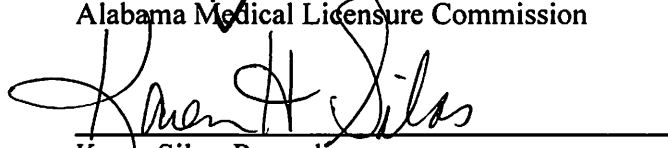
CME

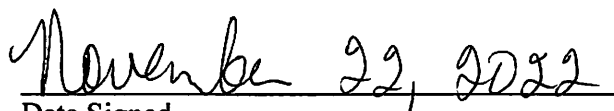
counts one and two in the Administrative Complaint filed by the Alabama Board of Medical Examiners and to grant Dr. Hester's request for reinstatement to a full unrestricted license. The Commission noted that Dr. Hester would continue to be monitored by the Alabama Board of Medical Examiners which should include quarterly reports from his therapist and monthly PEth test. The motion was approved by unanimous vote. A copy of the Commission's order is attached as Exhibit "E".

**PUBLIC MEETING NOTICE:** The next meeting of the Alabama Medical Licensure Commission was announced for Tuesday, November 22, 2022, beginning at 9:00 a.m.

Meeting Adjourned at 2:08 p.m.

  
CRAIG H. CHRISTOPHER, M.D., Chairman  
Alabama Medical Licensure Commission

  
Karen Silas, Recording

  
Date Signed



# EXHIBIT A

## IMLCC Licenses Issued September 1, 2022 - September 30, 2022 (51)

| Name                           | License Type | License Number | Status | Issue Date | Expiration Date | State of Principal Licensure |
|--------------------------------|--------------|----------------|--------|------------|-----------------|------------------------------|
| Jared Matthew Criddle          | MD           | 44989          | Active | 9/21/2022  | 12/31/2022      | Arizona                      |
| Regina Yvonne Leverrier        | MD           | 44977          | Active | 9/13/2022  | 12/31/2022      | Colorado                     |
| Brandon Michael Kirsch         | MD           | 44994          | Active | 9/22/2022  | 12/31/2023      | Colorado                     |
| Kei Kikuhara                   | MD           | 45001          | Active | 9/28/2022  | 12/31/2022      | Colorado                     |
| Yenney Enrique Meza            | MD           | 44976          | Active | 9/13/2022  | 12/31/2022      | Georgia                      |
| Amit Kumar Sanghi              | DO           | 3019           | Active | 9/20/2022  | 12/31/2022      | Georgia                      |
| Carlos Ernesto Nolasco Morales | MD           | 44993          | Active | 9/22/2022  | 12/31/2022      | Illinois                     |
| Michael Joseph Regan           | MD           | 45064          | Active | 9/29/2022  | 12/31/2023      | Illinois                     |
| Paul Vincent Birinyi           | MD           | 44982          | Active | 9/16/2022  | 12/31/2022      | Kansas                       |
| Brian Lee Crenshaw             | MD           | 44987          | Active | 9/21/2022  | 12/31/2022      | Louisiana                    |
| Robert Detrinis                | MD           | 44998          | Active | 9/27/2022  | 12/31/2023      | Louisiana                    |
| Maria Anne Pielat              | MD           | 44965          | Active | 9/8/2022   | 12/31/2022      | Michigan                     |
| Christopher David Stoddard     | DO           | 3017           | Active | 9/13/2022  | 12/31/2022      | Michigan                     |
| Frederick James Hamilton       | DO           | 3018           | Active | 9/15/2022  | 12/31/2022      | Michigan                     |
| Robert Christopher Rothaar     | MD           | 45000          | Active | 9/27/2022  | 12/31/2022      | Minnesota                    |
| Olukunle Akinleye Ajagbe       | MD           | 44990          | Active | 9/21/2022  | 12/31/2022      | Mississippi                  |
| Michael Donald Triassi         | DO           | 3015           | Active | 9/6/2022   | 12/31/2023      | Nebraska                     |
| Nicole Sara Ross               | DO           | 3016           | Active | 9/6/2022   | 12/31/2022      | New Hampshire                |
| Kenneth Walker Rudd II         | MD           | 44978          | Active | 9/14/2022  | 12/31/2022      | New Hampshire                |
| Kevin Heacock                  | MD           | 44975          | Active | 9/12/2022  | 12/31/2023      | Ohio                         |
| Adam Garlock                   | MD           | 44983          | Active | 9/16/2022  | 12/31/2022      | Ohio                         |
| David Brent Joye               | MD           | 44968          | Active | 9/8/2022   | 12/31/2022      | Tennessee                    |
| Alessandra Glaser              | MD           | 44973          | Active | 9/8/2022   | 12/31/2022      | Tennessee                    |
| Jimmy Carroll Brasfield        | MD           | 44995          | Active | 9/26/2022  | 12/31/2022      | Tennessee                    |
| Richard Anthony Santucci       | MD           | 44958          | Active | 9/2/2022   | 12/31/2022      | Texas                        |
| Stephen Gauger Swisher         | MD           | 44959          | Active | 9/2/2022   | 12/31/2022      | Texas                        |
| Patrick Poh-Tseng Lin          | MD           | 44960          | Active | 9/2/2022   | 12/31/2022      | Texas                        |
| Nancy Dugal Perrier            | MD           | 44961          | Active | 9/6/2022   | 12/31/2022      | Texas                        |
| Sharmila Devidoss              | MD           | 44962          | Active | 9/6/2022   | 12/31/2022      | Texas                        |

|                         |    |       |        |           |            |           |
|-------------------------|----|-------|--------|-----------|------------|-----------|
| Wayne Lewis Hofstetter  | MD | 44963 | Active | 9/6/2022  | 12/31/2022 | Texas     |
| Preetesh Jain           | MD | 44966 | Active | 9/8/2022  | 12/31/2022 | Texas     |
| Jeffrey Edwin Lee       | MD | 44967 | Active | 9/8/2022  | 12/31/2022 | Texas     |
| Bouthaina Shbib Dabaja  | MD | 44969 | Active | 9/8/2022  | 12/31/2022 | Texas     |
| Sheeba Koshy Thomas     | MD | 44970 | Active | 9/8/2022  | 12/31/2022 | Texas     |
| Patrick Bryan Garvey    | MD | 44971 | Active | 9/8/2022  | 12/31/2022 | Texas     |
| Robert Z Orlowski       | MD | 44972 | Active | 9/8/2022  | 12/31/2022 | Texas     |
| Luhua Michael Wang      | MD | 44974 | Active | 9/8/2022  | 12/31/2022 | Texas     |
| Chelain Rae Goodman     | MD | 44980 | Active | 9/14/2022 | 12/31/2022 | Texas     |
| Loretta Jo Nastoupil    | MD | 44981 | Active | 9/14/2022 | 12/31/2022 | Texas     |
| Matthew Chung           | MD | 44984 | Active | 9/16/2022 | 12/31/2022 | Texas     |
| Paula Dungog-Ocaya      | MD | 44986 | Active | 9/20/2022 | 12/31/2022 | Texas     |
| Stephen Fuentes         | DO | 3020  | Active | 9/21/2022 | 12/31/2022 | Texas     |
| Nairobi Dawn Martindale | DO | 3021  | Active | 9/21/2022 | 12/31/2022 | Texas     |
| Joe Yujiao Chang        | MD | 44991 | Active | 9/22/2022 | 12/31/2022 | Texas     |
| Simrit Parmar           | MD | 44992 | Active | 9/22/2022 | 12/31/2022 | Texas     |
| Preethi Durgam          | DO | 3022  | Active | 9/22/2022 | 12/31/2022 | Texas     |
| Saba Javed              | MD | 44996 | Active | 9/26/2022 | 12/31/2022 | Texas     |
| Uzundu C Osuagwu        | MD | 44997 | Active | 9/27/2022 | 12/31/2022 | Texas     |
| Solange Erlyn Cox       | MD | 44999 | Active | 9/27/2022 | 12/31/2022 | Texas     |
| William Paul Berg       | MD | 44985 | Active | 9/20/2022 | 12/31/2022 | Utah      |
| Francisco Zornosa       | MD | 45051 | Active | 9/28/2022 | 12/31/2023 | Wisconsin |

\* Total licenses issued since April 2017 - 1,944

**ALABAMA STATE BOARD OF  
MEDICAL EXAMINERS,**

**Complainant,**

**vs.**

**CHRISTOPHER PARKER GAY,  
D.O.,**

**Respondent.**

**BEFORE THE MEDICAL  
LICENSURE COMMISSION  
OF ALABAMA**

**CASE NO. 2021-420**

**ORDER**

This matter is before the Medical Licensure Commission of Alabama on the written request for a continuance filed by Respondent, through his attorney, on October 7, 2022. The request for continuance is opposed by the Board. After deliberation, the Commission orders as follows:

1. Respondent's request for a continuance is **GRANTED**, and the final hearing in this matter is **SET** for Wednesday, May 24, 2023, at 10:00 a.m., at 848 Washington Avenue, Montgomery, Alabama, 36104. The Commission does not anticipate granting further extensions.
2. No later than Friday, April 28, 2023, Respondent shall file a detailed status report describing the status of his rehabilitation and his plans for return to practice.

3. Based on the totality of the circumstances as they currently appear to the Commission, it is the present sense of the Commission that in order for Respondent's request for reinstatement to have any reasonable likelihood of being granted, Respondent must, at a minimum, be prepared to show: (a) that Respondent has been abstinent from illegal drugs and alcohol for at least six months, as demonstrated by regular testing; (b) that Respondent has entered into a lifetime agreement with the Alabama Professionals' Health Program ("APHP") and that APHP will advocate for his return to practice; and (c) that Respondent has *at least* made a firm appointment to commence a rigorous practice re-entry assessment and education program such as the Knowledge, Skills, Training, Assessment and Research ("KSTAR") program offered at Texas A&M University, or the re-entry programs offered by the Center for Personalized Education for Professionals ("CPEP").

DONE on this the 9<sup>th</sup> day of November, 2022.

THE MEDICAL LICENSURE  
COMMISSION OF ALABAMA

By:

E-SIGNED by Craig Christopher, M.D.  
on 2022-11-09 13:25:28 CST

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Craig H. Christopher, M.D.  
its Chairman

**ALABAMA STATE BOARD OF  
MEDICAL EXAMINERS,**

**Complainant,**

**v.**

**SCOTT MUNRO KELLY, M.D.,**

**Respondent.**

**BEFORE THE MEDICAL  
LICENSURE COMMISSION OF  
ALABAMA**

**CASE NO. 2022-295**

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This matter came before the Medical Licensure Commission of Alabama for a contested case hearing on October 25, 2022. After receiving and considering all of the relevant evidence and argument, we find the Respondent, Scott Munro Kelly, M.D., guilty of the disciplinary charge and impose professional discipline as set forth below.

**I. Introduction and Statement of the Case**

The respondent in this case is Scott Munro Kelly, M.D. (hereinafter “Respondent”). Respondent was first licensed by the Commission on January 22, 1986, having been issued license no. MD 12520. The single disciplinary charge in this case arises out of Respondent’s failure to submit to an examination ordered by the Board of Medical Examiners (“the Board”) pursuant to state law.

## **II. Procedural History**

On August 22, 2022, the Board filed an Administrative Complaint (the “Administrative Complaint”) against Respondent. The first and only count in the Administrative Complaint alleges that Respondent engaged in unprofessional conduct in violation of Ala. Code § 34-24-360(2) and Ala. Admin. Code r. 545-X-4-.06(6), in that he failed and refused to comply with the Board’s order, issued pursuant to the Board’s authority under Ala. Code § 34-24-360(19), to submit to examinations calculated to determine his fitness to practice medicine with reasonable skill and safety. In that order, entered May 23, 2022, the Board had found “probable cause to believe that [Respondent] is not capable, physically, or mentally, of practicing medicine or osteopathy with reasonable skill and safety to patients,” and therefore had ordered Respondent to “submit to a complete evaluation to rule out professional sexual misconduct, including, but not limited to, any physical, psychological, neuropsychiatric, and/or psychiatric examinations deemed appropriate by the evaluating professionals.”

On September 8, 2022, Respondent, through counsel, filed with the Commission a “Response to [the] Administrative Complaint.” In that pleading, Respondent explained that his delay in scheduling the Board-ordered evaluation was *not* because he was unwilling to be examined as required by the Board’s May 23, 2022 order. Rather, Respondent expressly “confirm[ed]” his willingness to



comply with the Board's order, and chalked the delay up to the fact that he had asked the Board for partial reconsideration of the order, which request had only recently been denied. Respondent also informed the Commission that he had scheduled an evaluation at Acumen Assessments to be held on October 3-6, 2022. In view of Respondent's appointment at Acumen, we delayed the hearing in this matter so that the results of the Acumen evaluation could be considered.

On September 30, 2022, Respondent—again, through counsel—filed with the Commission a pleading entitled, “Retirement from Practice of Medicine, Notice of Intent to Surrender Medical License and to Forego Moot Acumen Assessments, Inc. Evaluation.” In this pleading, Respondent told the Commission that he intended to “forego[] . . . his previously scheduled Acumen Assessments, Inc. evaluation” and surrender his license to practice medicine.

On October 18, 2022, Respondent's counsel filed a motion for leave to withdraw, which was granted on October 20. Later that same day, Respondent, acting *pro se*, submitted a “Motion to Continue Hearing,” in which he requested another 60 days in order for Respondent to retain new counsel.

On October 25, 2022, we denied Respondent's request for more time and conducted a full evidentiary hearing on these charges as prescribed in Ala. Admin. Code r. 545-X-3. The case supporting the disciplinary charges was presented by the Board through its attorneys E. Wilson Hunter and Blake T. Henson.

Respondent appeared without counsel. Pursuant to Ala. Admin. Code r. 545-X-3-.08(1), the Honorable William R. Gordon presided as Hearing Officer. Each side was offered the opportunity to present evidence and argument in support of its respective contentions, and to cross-examine the witnesses presented by the other side. In accordance with Ala. Code § 41-22-16, we enter the following Findings of Fact and Conclusions of Law.

### **III. Findings of Fact**

1. Respondent was first licensed by the Commission on January 22, 1986, having been issued license no. MD 12520.

2. On May 23, 2022, the Alabama State Board of Medical Examiners entered the following Order:

The Alabama State Board of Medical Examiners (“the Board”), having considered an investigation and interview with SCOTT MUNRO KELLY, M.D., regarding a complaint of sexual boundary violations committed by him, has concluded that there is probable cause to believe that SCOTT MUNRO KELLY, M.D., is not capable, physically, or mentally, of practicing medicine or osteopathy with reasonable skill and safety to patients. In support of this conclusion, the Board finds as follows: (1) Dr. Kelly engaged in unprofessional conduct on or about June 12, 2019, when he was accused of inappropriately touching a hospital employee in the operating room and with making inappropriate comments; (2) Dr. Kelly completed a comprehensive psychosexual evaluation at Pine Grove Behavioral Health in September 2019 and was directed to complete intensive, residential treatment for his disruptive and boundary-violating behavior; (3) Dr. Kelly did not complete a residential or partial-hospitalization intensive program as

recommended by Pine Grove Behavioral Health; (4) Dr. Kelly was accused of inappropriately lifting the drape of a female patient during an operating procedure on or about April 14, 2021; (5) Dr. Kelly was reprimanded by Shelby Baptist Medical Center after an investigation of this allegation; and (6) Dr. Kelly was interviewed by the Board on May 19, 2022, and, in the opinion of the Board, demonstrated the need for a professional forensic evaluation. Under these facts, probable cause exists to conclude that Dr. Kelly has violated Ala. Code § 34-24-360(19)(b) (being unable to practice medicine with reasonable skill and safety to patients).

Accordingly, it is the ORDER of the Board, pursuant to its authority under Ala. Code § 34-24-360(19)(b), that SCOTT MUNRO KELLY, M.D., submit to a complete evaluation to rule out professional sexual misconduct, including, but not limited to, any physical, psychological, neuropsychiatric, and/or psychiatric examinations deemed appropriate by the evaluating professionals.

IT IS FURTHER the ORDER of the Board that Dr. Kelly's evaluation be conducted at Acumen Assessments, Inc., 4321 West 6th Street, Suite B, Lawrence, Kansas 66049, (785) 856-8218, under the direction of John R. Whipple, M.D.

It is the ORDER of the Board that the results of these evaluations be forwarded to the Board for review and that SCOTT MUNRO KELLY, M.D., sign a release for the professionals at the facility to forward such results and any other information concerning the evaluations to the Board. The expense of the evaluations ordered herein shall be borne by SCOTT MUNRO KELLY, M.D.

SCOTT MUNRO KELLY, M.D., is ORDERED to have an evaluation conducted **beginning no later than August 1, 2022**, and have the directing evaluator notify the Board's Physician Monitoring Director, Roland Johnson (rjohnson@albme.gov), or Legal Assistant, Lynde Crowder (lcrowder@albme.gov), at (334) 242-4116 or 1-800-227-2606, of the date Dr. Kelly schedules for the evaluation.

SCOTT MUNRO KELLY, M.D., is ORDERED and DIRECTED to present himself at the facility on the appointed day and submit to the evaluation directed by this Order.

SCOTT MUNRO KELLY, M.D., is ORDERED and DIRECTED to **confirm whether he intends to comply with this order by notifying Roland Johnson or Lynde Crowder NO LATER THAN close of business on June 3, 2022.**

ORDERED this 23rd day of May 2022.

/s/

William M. Perkins, Executive Director  
Alabama State Board of Medical  
Examiners

(BME Exhibit 1 (emphasis in original).)

3. Respondent admits that he has not submitted to the “complete evaluation to rule out professional sexual misconduct, including, but not limited to, any physical, psychological, neuropsychiatric, and/or psychiatric examinations deemed appropriate by the evaluating professionals,” as ordered by the Board.

4. As of today, more than 170 days have passed since the Board entered its order; 160 days have passed since June 3—the deadline by which Respondent was directed to confirm whether or not he intended to comply with the Board’s order; and more than 100 days have passed since August 1—the deadline by which Respondent was ordered to have commenced the evaluation at Acumen.

5. Respondent testified that he has “shuttered” his medical practice.

#### **IV. Conclusions of Law**

1. The Commission has jurisdiction over the subject matter of this cause pursuant to Act No. 1981-218, Ala. Code §§ 34-24-310, *et seq.* Under certain conditions, the Commission “shall have the power and duty to suspend, revoke, or restrict any license to practice medicine or osteopathy in the State of Alabama or place on probation or fine any licensee.” Ala. Code § 34-24-360; *also see, e.g., Evers v. Board of Medical Examiners*, 516 So. 2d 650, 652 (Ala. Civ. App. 1987) (“[T]he Board is the investigative and prosecutorial arm of the state’s medical profession. The Commission, on the other hand, constitutes the adjudicative arm of the profession, and has the exclusive authority to revoke the licenses of physicians who are guilty of professional misconduct.”).

2. In addition to all other authorized penalties and remedies, the Commission may impose a fine of up to \$10,000 per violation, and may require the payment of administrative costs incurred in connection with the disciplinary proceeding. Ala. Code § 34-24-381(a), (b).

3. Respondent was properly notified of the time, date, and place of the administrative hearing and of the charges against him in compliance with Ala. Code §§ 34-24-361(e) and 41-22-12(b)(1), and Ala. Admin. Code r. 545-X-3-.03(3), (4). At all relevant times, Respondent was a licensee of this Commission and was and is subject to the Commission’s jurisdiction.

4. Under certain conditions, the Board has legal authority to require a physician to submit to medical and other examinations to ensure that the physician is fit to practice medicine with reasonable skill and safety to his or her patients:

When the issue is whether or not a doctor is physically or mentally capable of practicing medicine or osteopathy with reasonable skill and safety to patients, then, **upon a showing of probable cause to the board . . . that the doctor is not capable of practicing medicine or osteopathy with reasonable skill and safety to patients, the board . . . may order and direct the doctor in question to submit to either a physical, mental, or laboratory examination or any combination of such examinations to be performed by a physician or osteopath designated by the board. The expense of such examination shall be borne by the physician or osteopath who is so examined.**

Ala. Code § 34-24-360(19)b. (emphasis added).

5. The Commission has specifically defined a physician's failure or refusal to submit to an examination pursuant to Ala. Code § 34-24-360(19) as "unprofessional conduct" punishable by the Commission:

Unprofessional conduct shall mean the [c]ommission or omission of any act that is detrimental or harmful to the patient of the physician or detrimental or harmful to the health, safety, and welfare of the public, and which violates the high standards of honesty, diligence, prudence and ethical integrity demanded from physicians and osteopaths licensed to practice in the State of Alabama. Furthermore, **without limiting the definition of unprofessional conduct in any manner, the Commission sets out the below as examples of unprofessional conduct:**

\* \* \*

**(6) The refusal or failure by a physician to comply with an order entered by . . . the Board of Medical Examiners issued**

**pursuant to Code of Ala. 1975, Section 34-24-360(19) or (20)**  
or pursuant to Code of Ala 1975, Section 34-24-361(h).

Ala. Admin. Code r. 545-X-4-.06(6) (emphasis added).

6. The Board has made an express finding of probable cause that Respondent was and is unable to practice medicine with reasonable skill and safety, and plainly articulated the specific factual grounds for its probable cause finding. The Board's order requiring Respondent to be evaluated at Acumen Assessments was clear, definite, and unambiguous. The Board's order even gave Respondent a generous deadline—August 1, 2022—by which the evaluation was to be commenced. The Board had clear legal authority to enter the order, and Respondent had a clear legal duty to obey it.

7. Respondent did not obey the Board's order. That disobedience is “unprofessional conduct” under Ala. Code § 34-24-360(2). As the Florida Supreme Court has observed in a similar case, “[a] physician may not both refuse to submit to a mental or physical examination to demonstrate his fitness to practice, and yet demand that he receive the benefits of the status of being a licensed physician.” *Boedy v. Department of Professional Regulation*, 463 So. 2d 215, 218 (Fla. 1985).

## **V. Decision**

Therefore, it is **ORDERED, ADJUDGED, AND DECREED:**

1. That the Respondent, Scott Munro Kelly, M.D., is adjudged **GUILTY** of unprofessional conduct in violation of Ala. Code § 34-24-360(2), and Ala. Admin. Code r. 545-X-4-.06(6), in that he has failed and/or refused to comply with an order of the Board of Medical Examiners entered pursuant to Ala. Code § 34-24-360(19).

2. That Respondent's license to practice medicine in the State of Alabama is **SUSPENDED**.

3. That Respondent shall, within 30 days of this Order,<sup>1</sup> pay a fine in the amount of \$10,000.00.

4. That within 30 days of this Order, the Board shall file its bill of costs as prescribed in Ala. Admin. Code r. 545-X-3-.08(10)(b), and Respondent shall file any objections to the cost bill within 10 days thereafter, as prescribed in Ala. Admin. Code r. 545-X-3-.08(10)(c). The Commission reserves the issue of imposition of costs until after full consideration of the Board's cost bill and Respondent's objections, and this reservation does not affect the finality of this Order. *See* Ala. Admin. Code r. 545-X-3-.08(10)(e).

5. That it is the present sense of the Commission that any application for reinstatement pursuant to Ala. Code § 34-24-337(e)-(j) is not likely to be

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<sup>1</sup> *See* Ala. Admin. Code r. 545-X-3-.08(8)(d)(i).



granted except and unless Respondent shows to the satisfaction of the Commission that he has fully complied with all provisions of the Board's order of May 23, 2022, all provisions of Ala. Code § 34-24-360(19), and all recommendations of the evaluating professionals that may emerge from the examinations conducted pursuant to the Board's order.

DONE on this the 14<sup>th</sup> day of November, 2022.

THE MEDICAL LICENSURE  
COMMISSION OF ALABAMA

By:

E-SIGNED by Craig Christopher, M.D.  
on 2022-11-14 13:38:12 CST

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Craig H. Christopher, M.D.  
its Chairman

**ALABAMA STATE BOARD OF  
MEDICAL EXAMINERS,**

**Complainant,**

**vs.**

**MARK PETER KOCH, D.O.,**

**Respondent.**

**BEFORE THE MEDICAL  
LICENSURE COMMISSION  
OF ALABAMA**

**CASE NO. 2012-010**

**ORDER**

This matter is before the Medical Licensure Commission of Alabama on Respondent's application for reinstatement of his license to practice osteopathy in the State of Alabama. On August 19, 2022, the Board of Medical Examiners advised the Commission that it would not formally contest Respondent's application. The Board did, however, encourage the Commission "to require . . . strict adherence to its Orders and APHP agreements as a condition of licensure." The Commission held a hearing on this matter on October 25, 2022. Dr. Koch appeared in person, and he was represented by Hon. Elizabeth Borg.

Upon consideration of all relevant portions of the record, together with the matters presented at the hearing, it is ORDERED that Dr. Koch's request for reinstatement is GRANTED, provided that Dr. Koch's license to practice medicine in the State of Alabama is RESTRICTED as follows:

(1) Dr. Koch shall not commence the practice of medicine until he submits a detailed practice plan to the Commission, including the location, employer, scope of practice, and other pertinent information, and the practice plan is approved;

(2) Dr. Koch shall enter into a lifetime monitoring contract with the Alabama Professionals' Health Program, which shall require no less than monthly urine screens and quarterly hair or nail screens;

(3) Dr. Koch shall practice only with an on-site proctor, who shall be approved by both CPEP and the Commission;

(4) Respondent shall not practice in the areas of medically-assisted weight management, chronic pain management, or Medication Assisted Treatment (MAT) for addiction;

(5) Respondent shall continue with the "Module B" activities in connection with his CPEP educational plan, and CPEP shall submit quarterly reports to the Commission on Respondent's progress.

DONE on this the 31<sup>st</sup> day of October, 2022.

THE MEDICAL LICENSURE  
COMMISSION OF ALABAMA

By:

E-SIGNED by Craig Christopher, M.D.  
on 2022-10-31 17:25:58 CDT

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Craig H. Christopher, M.D.  
its Chairman

**ALABAMA STATE BOARD OF  
MEDICAL EXAMINERS,**

**Complainant,**

**v.**

**GABRIEL HAMILTON HESTER,  
M.D.,**

**Respondent.**

**BEFORE THE MEDICAL  
LICENSURE COMMISSION OF  
ALABAMA**

**CASE NO. 2022-268**

**ORDER**

This is a contested reinstatement proceeding under Ala. Code § 34-24-337. After holding a hearing on October 25, 2022, and receiving and considering all of the relevant evidence and argument, we find that the Respondent's license to practice medicine in Alabama should be reinstated.

1. Gabriel Hamilton Hester, M.D. ("Respondent") was first licensed by the Commission on or about May 28, 2014, having been issued license no. MD 33377.

2. On September 21, 2021, we entered a "Final Order" suspending Respondent's license to practice medicine.<sup>1</sup> Our Final Order provided that

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<sup>1</sup> See *Alabama State Board of Medical Examiners v. Gabriel Hamilton Hester, M.D.*, No. 2021-119 (Medical Licensure Commission of Alabama, September 23, 2021).

Respondent could apply for reinstatement of his license pursuant to Ala. Code § 34-24-337 if he could demonstrate compliance with the following five conditions for six continual and consecutive months:

- “A. Dr. Hester shall show 100% compliance with an alcohol monitoring plan approved by the Board of Medical Examiners, which plan shall include at least two phosphatidylethanol (PEth) tests per month;
- “B. Dr. Hester shall attend at least two meetings of Alcoholics Anonymous per week and submit documentation of such attendance to the Board of Medical Examiners;
- “C. Dr. Hester shall submit to a mental health evaluation by a Board approved psychiatrist for initial evaluation and treatment; Dr. Hester's care may be transferred later to a psychologist recommended by the psychiatrist if deemed appropriate. Dr. Hester shall release all records of prior mental health evaluations and all records from the BME and MLC to the treating psychiatrist. He shall comply with any and all recommended follow-up treatment with either the psychiatrist or psychologist which shall consist of at least one session per month. Dr Hester shall further cause the said psychiatrist or psychologist to submit monthly reports of such follow-up treatment or sessions to the Board of Medical Examiners;
- “D. Dr. Hester shall complete and submit to the Board of Medical Examiners proof of fifty (50) hours of continuing medical education; and
- “E. Dr. Hester shall receive and submit to the Commission a statement from his psychiatrist or psychologist that Dr. Hester is competent to practice medicine with safety to patients.

3. The evidence presented at the hearing demonstrates that Respondent has complied with all of the foregoing requirements for six continual and consecutive months.

4. Based on the evidence presented at the hearing, we are satisfied that Respondent is currently able to practice medicine with reasonable skill and safety to patients.

5. Respondent was absent from the practice of medicine for less than two years. Therefore, the rebuttable presumption of clinical incompetency set forth in Ala. Admin. Code r. 540-X-23-.03(1) does not apply.

6. The Commission takes notice of the fact that Respondent is currently being monitored by the Alabama Board of Medical Examiners' Physician Monitor.

Based on all of the foregoing, it is **ORDERED, ADJUDGED, AND DECREED:**

1. That the Respondent is adjudged **NOT GUILTY** of violating Ala. Code § 34-24-360(19)a., as charged in Count One of the Administrative Complaint.

2. That the Respondent is adjudged **NOT GUILTY** of violating Ala. Code § 34-24-360(20) and (23), as charged in Count Two of the Administrative Complaint.

3. That Respondent's license to practice medicine in the State of Alabama is **REINSTATED** to full and unrestricted status.

DONE on this the 9<sup>th</sup> day of November, 2022.

THE MEDICAL LICENSURE  
COMMISSION OF ALABAMA

By:

E-SIGNED by Craig Christopher, M.D.  
on 2022-11-09 13:27:26 CST

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Craig H. Christopher, M.D.  
its Chairman