

**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
IN THE MATTER OF THE PHYSICIAN'S LICENSE**

OF

MARK HOWARD FLETCHER, M.D.

CONSENT ORDER

WHEREAS, MARK HOWARD FLETCHER, M. D., hereinafter referred to as "Licensee," is the current holder of Mississippi Medical License No. 13932, said license number expires on June 30, 2017;

WHEREAS, the investigative staff of the Mississippi State Board of Medical Licensure, hereinafter referred to as the "Board," has conducted an investigation of the Licensee and has in its possession evidence which, if produced during the course of an evidentiary hearing, could potentially substantiate that Licensee has violated provisions of the Board's Administrative Code regarding the prescribing of controlled substances;

WHEREAS, the above conduct, if established before the Board, potentially constitutes violations of the Mississippi Medical Practice Act, specifically § 73-25-29, Miss. Code Ann. (1972), as amended, for which the Board could revoke the medical license of Licensee, suspended for a time deemed proper by the Board, or take any other action as the Board may deem proper under the circumstances;

WHEREAS, it is the desire of Licensee to avoid an evidentiary hearing before the Board and, in lieu thereof, has agreed to enter into this Consent Order subject to the terms, conditions and restrictions as specified below:

NOW, THEREFORE, the Mississippi State Board of Medical Licensure, with consent of Licensee as signified by his joinder herein, does hereby place Licensee's authorization to practice medicine in the State of Mississippi on probation, with removal of said probation subject to the following terms and conditions:

1. Licensee shall attend and successfully complete not less than 10 hours Continuing Medical Education (CME) courses in each of the areas of Medical Ethics, Prescribing of Controlled Substances, and Medical Record Keeping. Any credits received for each CME course shall be in addition to the usual forty (40) hours of Category I credits required by Board regulation. Licensee will be required to be on-site while taking the CME course(s), as the course(s) cannot be taken on-line or by other means. The CME provider must be approved by the Board and the Licensee shall submit documented proof to the Board of successful completion of the course(s).
2. Licensee shall obtain the services of a workplace monitor to provide monitoring services, such as those offered by Affiliated Monitors, Inc., or some other Board pre-approved monitor. The monitor shall submit written documentation of his or her credentials and training sufficient to demonstrate to the satisfaction of the Board that he or she possesses the knowledge, skills, and integrity which are reasonably necessary to provide all monitoring services required by the terms of this Order. The Board-approved monitor shall not be owned by or employ any person(s) who: (a) is related to the Licensee by blood or marriage; (b) has had a social or professional relationship with Licensee prior to the execution of this Order; (c) receives any compensation of any nature from Licensee; or (d) otherwise has a conflict as determined by the Board.

Upon approval of the selected monitor by the Board, Licensee shall enter into a written agreement with the Board-approved monitor for the performance of the monitoring services. A copy of the agreement shall be submitted to the Board.

This agreement shall specifically provide that:

- i) The terms of this Order shall be incorporated into the terms of the monitoring agreement;
- ii) Licensee shall cooperate with the Board-approved monitor and provide the monitor with full and complete access to any and all notes, documents and other materials which the monitor deems reasonably necessary for the performance of the monitoring services described in this Order;

- iii) Licensee shall be solely responsible for assuring access to all necessary records and notifying any institutional custodian of medical records;
- iv) The monitor will promptly report to the Board any deficiencies in the Licensee's practice which threaten or may threaten the health, safety or welfare of any patients or the public;
- v) Any effort to influence the monitoring process, or the content of any report prepared by the monitor, will be reported to the Board immediately; and
- vi) Licensee is responsible for all costs associated with the execution of the monitoring services, and understands that failure to pay the cost of the monitoring services in accordance with the terms of the agreement for monitoring services may be treated by the Board as a failure to comply with the terms of this Order.

The Board-approved monitor shall conduct reviews of Licensee's practice and records. Such reviews shall occur at least monthly and may include in-person visits to the Licensee's practice location if the monitor deems such visits necessary. Record reviews shall focus on Licensees prescribing of controlled substances; treatment of family members, friends, and colleagues; diagnosis and treatment of narcolepsy and attention deficit disorder and hyperactivity; and overall medical practice. The monitor shall also determine if Licensee practices within recognized professional standards of care and complies with applicable laws and regulations. The Board-approved monitor shall randomly select not less than ten (10) patient charts to be reviewed each month. The Board-approved monitor or monitoring company shall report its findings to the Board, in writing, on a quarterly basis. If the Board-approved monitor or monitoring company identifies any problems with the Licensee's practices, Licensee shall submit a written plan for correction of those problems to the Board no later than thirty (30) days after Licensee's receipt of the monitoring report in which the problem was identified. In the event the Board receives more than two (2) adverse reports in a twelve (12) month period, Licensee will be subject to further disciplinary action. This period of monitoring, which shall begin upon the acceptance by the Board of the above mentioned monitoring

agreement, shall be for a period of not less than sixty (60) months or five (5) years, and may be extended if deemed necessary by the Board.

3. Licensee shall obey all federal, state and local laws, and all rules and regulations governing the practice of medicine.
4. Licensee expressly agrees he will not seek an appearance before the Board prior to the completion of the terms of this Order and, further, agrees the terms and conditions in this order, once executed, may not be appealed.
5. Licensee shall reimburse the Board for all costs incurred in relation to the pending matter pursuant to Miss. Code Ann., § 73-25-30, said amount not to exceed \$10,000. Licensee shall be advised of the total assessment by separate written notification, and shall tender to the Board a certified check or money order made payable to the Mississippi State Board of Medical Licensure, on or before forty (40) days from the date the assessment was mailed to Licensee via U. S. Mail to the Licensee's current address.

This Consent Order shall be subject to the approval by the Board. If the Board fails to approve this Consent Order, in whole or in part, it shall have no force or effect on the parties. It is further understood and agreed that the purpose of this Consent Order is to avoid a hearing before the Board. In this regard, Licensee authorizes the Board to review and examine any documentary evidence or material concerning the Licensee prior to or in conjunction with its consideration of this Consent Order. Should this Consent Order not be accepted by the Board, it is agreed that presentation to and consideration of this Consent Order and other documents and matters pertaining thereto by the Board shall not unfairly or illegally prejudice the Board or any of its members from participation in any further proceedings.

Should the Board hereafter receive documented evidence of Licensee violating any of the terms and conditions of this Consent Order, the Board immediately shall have the right to take further action(s) regarding the Licensee's ability to practice medicine. Upon the expiration of the five (5) year monitoring agreement and the terms and conditions stated herein, Licensee shall have the right, but not the obligation, to petition the Board for relief of this Order.

Further, it is not the intent of this Order to encourage malpractice liability as a result of this Board action. Therefore, by execution of this Consent Order, Licensee is not admitting to or acknowledging any conduct or act of medical negligence or malpractice.

Licensee understands and expressly acknowledges that this Consent Order, if approved and executed by the Mississippi State Board of Medical Licensure, shall constitute a public record of the State of Mississippi. Licensee further acknowledges that the Board shall provide a copy of this Order to, among others, the U. S. Drug Enforcement Administration, and the Board makes no representation as to action, any other agency or jurisdiction may take in response to this Order.

Recognizing his right to notice of charges specified against him, to have such charge(s) adjudicated pursuant to Miss. Code Ann., § 73-25-27 (1972), to be represented therein by legal counsel of his choice, and have a final decision rendered upon written findings of fact and conclusions of law, **Mark Howard Fletcher, M. D.**, nevertheless, hereby waives his right to notice and a formal adjudication of charges and authorizes the Board to enter an order accepting this Consent Order, thereby placing the above enumerated terms and conditions upon his license to practice medicine in this State, subject to those terms and conditions.

Executed, this the 12th, day of January, 2017.



MARK HOWARD FLETCHER, M.D.

ACCEPTED AND APPROVED, this the 12th, day of January, 2017, by the Mississippi State Board of Medical Licensure.



CHARLES D. MILES, M.D.
Board President M.D.