



# ALABAMA BOARD OF MEDICAL EXAMINERS NEWSLETTER

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## Patient Complaints

*By Larry Dixon, Executive Director  
Alabama Board of Medical Examiners*

As Executive Director of the Alabama Board of Medical Examiners, my duties include the review of all patient complaints. When a patient complaint is received in the Board's office, a cover sheet designed to assist in the disposition of the investigation is attached and it is delivered to me for review. Following the reading of the complaint, I make suggestions to the Investigative Coordinator, who then meets with the investigator who will be assigned the complaint. They discuss strategy, necessary contacts, medical records to be subpoenaed and particular questions to be answered in writing by the physician respondent.

When the investigator has finished the agreed upon steps, the medical records are subpoenaed, delivered to either an outside Board Certified physician for review, or a member of the Board of Medical Examiners, who then reviews and makes an initial recommendation to the Credentials Committee as to the disposition of the case. The recommendation could range from a finding of no irregular activity to a personal interview with the respondent physician which continues the investigation.

One hundred and sixteen patient complaints were received in this office during the 1995 calendar year. The single largest number of cases involved a communication breakdown of some kind ranging from a total lack of communication to inappropriate communication.

The practice of medicine in the 1990's does not allow for rude or disruptive behavior on the part of the physician. At all times in a professional setting, the physician needs to remind him or herself that a patient has the right to be treated with respect, both during an examination and in any form of communication. A physician needs to realize that patients will not allow themselves to be treated rudely. They will not even allow the perception of rudeness in any interaction with their physician. The physician who fails to realize this is bound to come before the Board of Medical Examiners sooner or later.

The patients coming to your practice know they have certain rights, know they are to be treated with respect and will not allow for you or any member of your staff to be less than

courteous and respectful in all of your dealings.

Physicians should always remember that the Board of Medical Examiners expects physicians licensed in the state of Alabama to conduct themselves in a professional manner in all patient care settings. Any physician who is less than professional, courteous and respectful can expect to have to deal with a patient complaint. A moment's anger, the throwing of a medical record, rude talk and rude behavior directed toward a patient or anyone in a patient care situation will not be tolerated by the Board of Medical Examiners. The physicians who engage in those activities will find themselves the source of a patient complaint investigation, which, at the least, will cost them time, effort and discomfort.

The members of the Alabama Board of Medical Examiners are very aware that many complaints to this agency could have been avoided had attention to proper communication been emphasized by the physician. ■

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## WORKERS' COMP REGULATIONS ADOPTED

*By: Wendell R. Morgan  
MASA General Counsel*

The Alabama Department of Industrial Relations, in conjunction with the Workers' Compensation Medical Services Board, has given final approval to utilization management and bill screening regulations applicable to workers' compensation claims state wide. These regulations, which became effective September 12, 1996, establish procedures for the conduct of utilization review and bill screening by insurers, claims administrators, third party payers and employers who undertake utilization review and/or bill screening of claims for medical services in workers compensation cases. The regulations govern many aspects of claims adjudication including submission of claims by physicians and other providers, timely payment of undisputed medical claims, pre-certification requirements and procedures, second surgical opinions, and the qualifications of personnel engaged in clinical review.

Undisputed claims for medical services must be paid to the provider within twenty-five working days of receipt of a claim in the approved form. The payer may request additional

*(Continued on Page 2)*

## Workers' Comp Regulations Adopted (Cont.)

Documentation which can delay the beginning of the twenty-five working day limit. If there is a dispute regarding the legitimacy of the claim for medical services, the employer or his agent must notify the provider within two weeks that the claim is in dispute, specify which items of service are in dispute and pay any undisputed portion of the claim.

Utilization review can take place at three levels, first level clinical review (nurse review), second level clinical review (medical director or physician consultant), and third level clinical review (peer clinical review). At the request of an attending physician or other ordering provider, a non-certification or denial of payment for medical services made at the second level clinical review must be referred for peer clinical review. Third level clinical reviewers must be either in active practice (standard appeal) or licensed to practice (expedited appeal) and be board certified in the same or similar specialty as the ordering physician whose medical services are being non-certified or denied. Standard appeals must be decided within thirty days and provision is made for expedited appeals in emergency situations. In every case the ordering physician is entitled to receive upon request an explanation of the clinical basis for the denial.

Physicians desiring to obtain a copy of the utilization management and bill screening regulations for workers' compensation claims should contact the Workers' Compensation Division of the Alabama Department of Industrial Relations at 334-242-2868. ■

## Medical Licensure Commission Public Action Report March 1996 through September 1996

On March 27, 1996, the Medical Licensure Commission entered a Stipulation and Consent Order which places Dr. William Spurgeon Warr's medical license on probation subject to the terms and conditions contained in the Consent Order to include limiting Dr. Warr's controlled substances prescribing privileges to schedules IV and V. Dr. Warr shall also complete 75 hours of Category one CME in the area of primary care.

On March 27, 1996, the Medical Licensure Commission entered a Stipulation and Consent Order which censured the medical license of Dr. Buford LeWayne Lambert for engaging in unprofessional conduct. Dr. Lambert was also assessed an administrative fine in the amount of \$5,000.

On April 9, 1996, the Medical Licensure Commission entered an Order which denied Dr. Troy F. Kilpatrick's request for relief from the restrictions previously placed upon his license to practice medicine. Dr. Kilpatrick's license was placed on probation subject to the terms and conditions issued in the Commission's order of August 10, 1995.

On April 24, 1996, the Medical Licensure Commission approved Dr. Ahmed Hussen Omar's voluntary surrender of his certificate of qualification and license to practice medicine in Alabama. Dr. Omar surrendered his medical license to the

Alabama State Board of Medical Examiners on March 28, 1996.

On April 24, 1996, the Medical Licensure Commission entered an Order dismissing the Administrative Complaint filed by the Alabama Board of Medical Examiners regarding the license to practice medicine of William Earl McCollum, M.D., license number 5739. On April 10, 1996, Dr. McCollum voluntarily surrendered his certificate of qualification and license to practice medicine after he was convicted of a felony in federal court.

On April 29, 1996, the Medical Licensure Commission entered an Order granting Dr. Louis W. DeInnocentes' request for change in employment. Dr. DeInnocentes' employment with First Med in Huntsville, Alabama is subject to receipt of an affidavit of Daniel Morgan, D.O. and the agreement of Daniel Morgan, D.O. which are contained in the Commission's Order as exhibits "a" and "b".

On May 22, 1996, the Medical Licensure Commission entered an Order dismissing the Administrative Complaint filed by the Alabama Board of Medical Examiners seeking the possible revocation of Dr. Stonewall Boulet Stickney's medical license based upon allegations made by the Board of Medical Examiners that Dr. Stickney suffered from the illness or disease of alcohol dependency to the extent that he was unable to practice medicine with reasonable skill and safety to his patients. The Medical Licensure Commission dismissed the Board's Administrative Complaint due to the death of Dr. Stickney on March 6, 1996.

On May 22, 1996, the Medical Licensure Commission entered an Order revoking the medical license of Gerhard J. Hinnen, M.D. after the Board of Medical Examiners approved the entry of a Stipulation and Consent Order to revoke Dr. Hinnen's medical license.

On June 11, 1996, the Medical Licensure Commission entered an Order denying the reinstatement of Dr. Albert Dwight Butts' Alabama medical license. Dr. Butts' medical license was previously revoked on February 3, 1992 due to his non-compliance with previous orders issued by the Medical Licensure Commission.

On June 11, 1996, the Medical Licensure Commission entered an Order which dismissed the Application for Reinstatement of Philip Carey Richards, D.O. due to his failure to appear before the Medical Licensure Commission for his hearing scheduled for May 22, 1996.

On June 26, 1996, the Medical Licensure Commission entered an Order which temporarily suspended the Alabama medical license of Ralph Benton Perkerson, Jr., M.D. based upon action taken against Dr. Perkerson's Georgia medical license that Dr. Perkerson's continued ability to practice medicine poses a threat to the public health, safety and welfare of his patients.

On June 26, 1996, the Medical Licensure Commission entered a Stipulation and Consent Order based upon disciplinary action taken in the State of Georgia. Dr. Vikki Alabama medical license was placed on indefinite probation and was assessed an administrative fine in the amount of \$2,500.

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## Medical Licensure Commission Public Action Report

(Cont.)

On July 16, 1996, the Medical Licensure Commission entered an Order which amends the Commission's previous order of July 10, 1995 granting Dr. Kathryn Pitman prescribing authority for schedules II and IIN. The Commission's order further required Dr. Pitman to submit to the Commission monthly reports of all prescriptions written for schedules II and IIN for three months and thereafter to submit to quarterly reports until further notice.

On July 31, 1996, the Medical Licensure Commission entered an Order revoking the medical license of George Tucker, M.D., license number 9460, based upon Dr. Tucker's failure to present the Medical Licensure Commission satisfactory evidence that he is in compliance with the terms and conditions of his probation in the State of Georgia. Dr. Tucker's failure to present documentation from the State of Georgia causes Dr. Tucker to be in violation of his probationary status in Alabama.

On August 6, 1996, the Medical Licensure Commission entered an Order which issued to Dr. Cynthia Wooley Lozier, license number 4540, a full unrestricted license to practice medicine in Alabama based upon her compliance and participation with the Tennessee Medical Foundation's Peer Review Program.

On August 6, 1996, the Medical Licensure Commission entered an Order which terminated all reporting requirements previously placed upon Dr. Lindy Ellyson Harrell's license to practice medicine.

On August 7, 1996, the Medical Licensure Commission entered an Order which amends the Commission's Order of August 10, 1995 (paragraph 2) based upon information presented to the Commission that Dr. Kilpatrick has satisfactorily completed six hours of Category 1 continuing medical education relating to proper sexual behavior by physicians regarding the treatment of patients.

On September 5, 1996, the Medical Licensure Commission entered an Order which granted Dr. Oscar Gibbs Simpson's request for reinstatement of his Alabama medical license. According to the terms of the Commission's order, Dr. Simpson was assessed an administrative fine in the amount of \$250.00 upon the reinstatement of his license. Other terms of the Commission's order require Dr. Simpson to execute an appropriate waiver which will allow the issuance of a license with exemption from CME requirements, and, prohibits him from treating himself or members of his family. ■

## Alabama Board of Medical Examiners Public Action Report July 1996 through September 1996

On July 30, 1996, the Alabama Board of Medical Examiners issued an Order reinstating the Alabama Controlled Substances Registration Certificate, #7870 of Dick Owens,

M.D., Haleyville, Alabama. Dr. Owens had voluntarily surrendered his authority to prescribe controlled substances in Alabama in May 1995 while under investigation by the Board. Pursuant to the Board's Order, Dr. Owens' authority to prescribe controlled substances in Schedules II through V was reinstated subject to specified conditions which will allow the Board to monitor Dr. Owens' prescribing practices.

On August 21, 1996, the Alabama Board of Medical Examiners accepted the voluntary surrender of the certificate of qualification for a license to practice medicine in Alabama of Robert D. Phillips, M.D., Morris, Alabama, license #3394. Dr. Phillips' certificate of qualification was surrendered while he was under investigation for alleged violations of Alabama Code §34-24-360(2)(1975), specifically unprofessional conduct due to inappropriate sexual touching of a patient. As of August 21, 1996, Dr. Phillips is no longer authorized to practice medicine in any form in the State of Alabama. ■

## IMPORTANT NOTICE Annual License Renewal

Applications for the 1997 Alabama license renewals and renewals of the Alabama Controlled Substances Registration Certificate will be mailed to physicians and osteopaths in October of this year. The deadline for returning both applications is December 31, 1996. Licenses have a thirty (30) day grace period after December 31, 1996 within which to register and pay the annual license renewal fee. This grace period does not apply to renewal of Alabama Controlled Substances Registration Certificates. Failure to return your application and fee for a 1997 license before the close of business on January 30, 1997 will result in the automatic revocation of the current license by operation of state law.

Each year, including the present one, license applications mailed out are returned because the Commission was not notified of changed addresses. Alabama Code §34-24-338, (1975) states, "If any registrant shall change his address during the year for which any certificate of registration shall have been issued by the Commission, such registrant shall, within fifteen (15) days thereafter, notify the Commission of such change..." If you do not receive a renewal application for your license or controlled substance certificate or if you have made a move within the last year, please notify, immediately, the Medical Licensure Commission, in writing, P.O. Box 887, Montgomery, Alabama 36101-0887 or the Alabama Board of Medical Examiners, P.O. Box 946, Montgomery, Alabama 36101-0946. ■

## CME Calendar - 1996 Dates

October 13-16

Lake Buena Vista FL—*Current Clinical Internal Medicine Seminar*

Contact: George M. Converse, MD  
Lloyd Noland Hospital (205) 783-5276  
CME Credit: 15 hours of Category 1

October 16-19

Lake Buena Vista FL—*Pediatric Infectious Disease Seminar "Fall Update"*

Contact: George M. Converse, MD  
Lloyd Noland Hospital (205) 783-5276  
CME Credit: 15 hours of Category 1

October 17-19

Destin FL—*7th Annual Vascular Biology and Hypertension Symposium*

Contact: UAB Division of CME (205) 934-2687  
CME Credit: TBA

October 17-22

Chicago IL—*American Association for Cancer Education*

Contact: UAB Division of CME (205) 934-2687  
CME Credit: TBA

October 18-20

Charleston SC—*Southern Pediatric Radiology Society*

Contact: UAB Division of CME (205) 934-2687  
CME Credit: TBA

October 19

Gadsden AL—*Conflict Resolution*

Contact: Jay Bryan, Mountain View Hospital  
(800) 243-3645  
CME Credit: 6 hours of Category 1

October 24-25

Little Rock AR—*12th Annual Conference on Continuing Medical Education*

Contact: MASA Education Department  
(334) 263-6441  
CME Credit: 8.25 hours of Category 1

Oct. 31 - Nov. 3

White Sulphur Springs WV—*Internal Medicine Seminar "Advances & Controversies"*

Contact: George M. Converse, MD  
Lloyd Noland Hospital (205) 783-5276  
CME Credit: 15 hours of Category 1

November 1

Huntsville AL—*Eighth Annual Infectious Disease Conference for Primary Care Practitioners*

Contact: UASOM/Huntsville - Office of CME  
(205) 551-4490  
CME Credit: 6 hours of Category 1

November 12

Montgomery AL—*How to Run a More Profitable Practice*

Contact: MASA Education Department  
(334) 263-6441

November 13

Birmingham AL—*Successful Group Formation*

Contact: MASA Education Department  
(334) 263-6441

November 14

Birmingham AL—*How to Run a More Profitable Practice*

Contact: MASA Education Department  
(334) 263-6441

November 20-24

Baltimore MD—*Yesterday's Caring with Today's Technology - Southern Medical Association 90th Annual Scientific Assembly*

Contact: SMA (205) 945-1840 (800) 423-4992  
CME Credit: TBA

December 1-6

Cancun Mexico—*Plants of Pediatrics IX: A Practical Seminar for Primary Care Physicians*

Contact: UASOM/Huntsville - Office of CME  
(205) 551-4490  
CME Credit: 12 hours of Category 1

December 2

Huntsville AL—*Advanced Coding & Reimbursement*

Contact: MASA Education Department  
(334) 263-6441

December 3

Birmingham AL—*ICD-9 Coding for Doctors Office*

Contact: MASA Education Department  
(334) 263-6441

December 4

Birmingham AL—*Advanced Coding & Reimbursement*

Contact: MASA Education Department  
(334) 263-6441

December 5

Montgomery AL—*Advanced Coding & Reimbursement*

Contact: MASA Education Department  
(334) 263-6441

## 1997 Dates

January 25

Birmingham AL—*15th Invitational Scientific Symposium*

Contact: MASA Education Department  
(334) 263-6441  
CME Credit: 6 hours of Category 1

February 3-6

Naples FL—*7th Annual UAB Mammography Course*

Contact: UAB Division of CME (205) 934-2687  
CME Credit: TBA

February 5-8

Lake Buena Vista FL—*Advanced Medicine Seminar "Update and Review"*

Contact: George M. Converse, MD  
Lloyd Noland Hospital (205) 783-5276  
CME Credit: 15 hours Category 1

February 6-7

Birmingham AL—*Progress in Obstetrics and Gynecology 1997*

Contact: UAB Division of CME (205) 934-2687  
CME Credit: TBA

February 7

Huntsville AL—*HIV*

Contact: UASOM/Huntsville - Office of CME  
(205) 551-4490  
CME Credit: TBA

February TBA

Birmingham AL—*Alabama Quality Assurance Foundation Annual Meeting*

Contact: UAB Division of CME (205) 934-2687  
CME Credit: TBA

February 22-23

Birmingham AL—*25th Annual Anesthesiology Review Course*

Contact: UAB Division of CME (205) 934-2687  
CME Credit: TBA

February TBA

Birmingham AL—*Annual Weekend*

Contact: UAB Division of CME (205) 934-2687  
CME Credit: TBA

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NEWSLETTER

