



ALABAMA BOARD OF MEDICAL EXAMINERS NEWSLETTER

VOLUME 12, NUMBER 4
WINTER 1997/98



Board Proposes Medical Record Guidelines

The following guidelines have been approved for publication in the Alabama Administrative Monthly (February Issue) by the State Board of Medical Examiners. The guidelines will provide general principles governing maintenance, access and transfer of medical records. The guidelines are based on and consistent with definitions of unprofessional conduct issued by the Medical Licensure Commission, ethical opinions issued by the AMA and other sources. Written comments to the rule may be filed with the Board until April 1, 1998.

540-X-9-10 Joint Guidelines Of The State Board Of Medical Examiners And Medical Licensure Commission For Medical Records Management.

(1) **Requirement To Maintain A Medical Record.** The maintenance of an adequate medical record in the treatment of a patient is an essential component of the standard of care. Physicians should maintain legible well documented records reflecting the history, findings, diagnosis and course of treatment in the care of a patient. Medical records should be maintained by the treating physician for such period as may be necessary to treat the patient and for such additional time as may be required for medical-legal purposes.

(2) **Access.** On the request of a patient, and with the authorization of the patient, a physician should provide a copy or a summary of the medical record to the patient or to another physician, attorney

or other person designated by the patient. By state law, a physician is allowed to condition the release of copies of medical records on the payment by the requesting party of the reasonable costs of reproducing the record. Reasonable cost as defined by law may not exceed one dollar (\$1.00) per page for the first twenty-five (25) pages, fifty cents (\$.50) per page for each page in excess of twenty-five (25) pages, a search fee of five dollars (\$5.00) plus the actual cost of mailing the record. In addition, the actual cost of reproducing x-rays or other special records may be included. Records subpoenaed by the State Board of Medical Examiners are exempt from this law. Physicians charging for the cost of reproduction of medical records should give primary consideration to the ethical and professional duties owed to other physicians and to their patients, and waive copying charges when appropriate.

(3) **Transfer or Disposal.** When a physician retires, terminates employment or otherwise leaves a medical practice, he or she is responsible for ensuring that active patients receive reasonable notification and are given the opportunity to arrange for the transfer of their medical records. A physician or physician group should not withhold information from a departing physician which is necessary for notification of patients. A physician or the estate of a deceased physician transferring medical records in connection with the sale of a medical practice should notify the physician's active patients that the records are being transferred and should provide the patient with information sufficient to secure the transfer of the medical record. ■

Alabama Board of Medical Examiners Public Action Report

September 1997 through December 1997

On October 7, 1997, the Alabama Board of Medical Examiners accepted the voluntary surrender of the certificate of qualification and license to practice medicine in Alabama of Edward James Peterson, Jr., M.D., Birmingham, Alabama, license number 7250. At the time Dr. Peterson surrendered his certificate of qualification, his license was subject to a Summary Suspension Order which was issued by the Medical Licensure Commission based on Board of Medical Examiners charges that Dr. Peterson allegedly was impaired, had self-prescribed controlled substances and had committed acts of unprofessional conduct.

On October 15, 1997, the Alabama Board of Medical Examiners voted to terminate the voluntary restriction previously entered against the certificate of qualification of John Alan Wages, M.D., Dothan, Alabama, license number 9597. Dr. Wages' certificate of qualification and license to practice medicine are currently unrestricted and in good standing.

On October 15, 1997 a Show Cause Hearing was held before the Alabama Board of Medical Examiners on the request of Harry Meyer Katz, M.D., Missouri, license number 1025, for reinstatement of his certificate of qualification. After a due process hearing, the Board voted to deny Dr. Katz request for reinstatement. Dr. Katz has appealed the Board's decision to the Medical Licensure Commission of Alabama.

On November 19, 1997, the Alabama Board of Medical Examiners voted to terminate the voluntary restriction previously entered against the certificate of qualification and license to practice medicine in Alabama of James Kenneth Champion, M.D., Georgia, license number 7836. Dr. Champion's certificate of qualification and license to practice medicine in Alabama are currently unrestricted and in good standing.

On November 25, 1997, Richard Kearney Cooksey, M.D., Mountainbrook, Alabama, license number 1271, voluntarily surrendered his certificate of qualification and license to practice medicine in Alabama. Dr. Cooksey surrendered his certificate of qualification and license while under investigation by

the Alabama Board of Medical Examiners for alleged violations of Ala. Code §34-24-360. At the time of the voluntary surrender, Dr. Cooksey's Alabama medical license was subject to a disciplinary order previously entered by the Medical Licensure Commission of Alabama. ■

Medical Licensure Commission Public Action Report

September 1997 through December 1997

On October 3, 1997, the Medical Licensure Commission issued an Order which denied the reinstatement of the license to practice medicine of Gerhard Jan Hinnen, M.D., license number 8409.

On October 22, 1997, the Medical Licensure Commission entered a Stipulation and Consent Order which places the Alabama medical license of Michael George Hoffman, M.D., license number 3543, on probation subject to the terms and conditions contained in the consent order.

On October 22, 1997, the Medical Licensure Commission entered an Order dismissing the Administrative Complaint, filed by the Alabama Board of Medical Examiners, after Dr. Edward James Peterson, Jr., M.D., voluntarily surrendered his Alabama medical license, license number 7250.

On October 31, 1997, the Medical Licensure Commission issued an Order which revoked the Alabama medical license of Jerry Wayne Sheffield, M.D., license number 6587.

On November 26, 1997, the Medical Licensure Commission issued an Order which temporarily suspended the Alabama medical license of Kris Anthony McCormack, M.D., license number 8166.

On November 26, 1997, the Medical Licensure Commission entered a Stipulation and Consent Order regarding the Alabama medical license of Eric Randall Braverman, M.D., license number 14896.

On December 5, 1997, the Medical Licensure Commission issued an Order which restored to Elena V. Perry-Thornton, M.D., license number 15801, a full unrestricted license to practice medicine in Alabama.

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**Medical Licensure Commission
Public Action Report**

continued

On December 17, 1997, the Medical Licensure Commission temporarily suspended the Alabama medical license of William House Chambliss, M.D., license number 2532.

On December 17, 1997, the Medical Licensure Commission entered an Order which denied lifting the suspension on the Alabama medical license of Scott Randon Fisher, M.D., license number 16319.

On December 17, 1997, the Medical Licensure Commission entered a Second Stipulation and Consent Order, approved by the Alabama Board of Medical Examiners, regarding the Alabama medical license of Ralph Rollin Robinson, M.D., license number 7241.

On December 29, 1997, the Medical Licensure Commission entered an Order which denied the reinstatement application of Sonnie W. Hereford, M.D., license number 0849. ■

**MEDICAL ASSOCIATION OF THE STATE OF ALABAMA
ANNUAL SESSION**

**June 25-28, 1998
Grand Hotel
Point Clear, AL**

For more information contact
MASA's CME Department at
1-800-239-6272 or
check MASA's website
www.masalink.org

MARK YOUR CALENDAR

**Read This Before You Sign a
Prescription for Home Health Care.**

Home health care is covered under most State Medicaid programs. The guidelines vary from State to State. Be sure that you know them before you sign a prescription for home health care. Under the Medicare program, the coverage requirements are as follows:

- The patient must be homebound. This means that the patient can leave home only with considerable and taxing effort. Absences from home must be infrequent, or of short duration, or to get medical care.
- The care that the patient needs is skilled nursing care, or physical therapy, or speech language therapy. The need for these services must be intermittent (i.e., not full time). Bathing the patient, giving oral medications, and moving the patient to avoid bedsores are not considered skilled nursing services.
- You must write a plan of care for the patient. Although you may consult the caregiver, you are responsible for designing the plan of care.
- The home health agency must be approved by the Health Care Financing Administration (HCFA).

If you order home health care, it must be medically necessary. Bear in mind that it is "skilled nursing services" that Medicare covers, not homemaker or other supportive services. If you find that your prescription or plan of care has been altered, you should strike out those items that you did not order before you sign the form. ■

CORRECTION

The Fall 1997 Newsletter (Volume 12, Number 3) in an article on medical records incorrectly identified psychological records as being covered by the requirements of §30-31-54, Code of Alabama 1975. That section provides as follows:

Section 5. Unless otherwise prohibited by court order or statute, all records and information pertaining to the child, including, but not limited to, medical, *physiological*, dental, scholastic, athletic, extracurricular, and law enforcement, shall be equally available to both parents, in all types of custody arrangements." ■

1998 CME Calendar

February 28 - March 3

Washington DC—1998 Governmental Affairs Conference

Contact: MASA Governmental Affairs Dept (800) 239-1333 (334) 261-2000

CME Credit: TBA

March 6-7

Birmingham AL—1998 Almost Wounded - "Contributions of Plastic and Reconstructive Surgery to Other Surgical Specialties"

Contact: Medical Alumni (205) 943-4463

CME Credit: TBA

March 14

Huntsville AL—1998 Loss Prevention Seminar - *Communicate Your Way to Effective Patient Relationships*

Contact: Mutual Assurance (your policyholder services representative) (800) 282-6242 or (205) 877-4400

CME Credit: 2 hours of Category 1

March 15-18

Lake Buena Vista FL—Internal Medicine Seminar

Contact: George M. Converse, MD Lloyd Noland Foundation (205) 783-5276

CME Credit: 15 hours of Category 1

March 16-21

Huntsville AL—14th Annual Symposium on Child Sexual Abuse

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

CME Credit: TBA

March 18-21

Lake Buena Vista FL—Family Practice Seminar

Contact: George M. Converse, MD Lloyd Noland Foundation (205) 783-5276

CME Credit: 15 hours of Category 1

March 18-21

Lake Buena Vista FL—Pediatrics Seminar

Contact: George M. Converse, MD Lloyd Noland Foundation (205) 783-5276

CME Credit: 15 hours of Category 1

April 8-12

Hilton Head Island SC—General Surgery Update

Contact: George M. Converse, MD Lloyd Noland Foundation (205) 783-5276

CME Credit: 18 hours of Category 1

April 9

Opaladen AL—1998 Loss Prevention Seminar - *Communicate Your Way to Effective Patient Relationships*

Contact: Mutual Assurance (your policyholder services representative) (800) 282-6242 or (205) 877-4400

CME Credit: 2 hours of Category 1

April 18

Birmingham AL—1998 Loss Prevention Seminar - *Communicate Your Way to Effective Patient Relationships*

Contact: Mutual Assurance (your policyholder services representative) (800) 282-6242 or (205) 877-4400

CME Credit: 2 hours of Category 1

April 22-25

Hilton Head Island SC—Pediatrics Update

Contact: George M. Converse, MD Lloyd Noland Foundation (205) 783-5276

CME Credit: 15 hours of Category 1

April 23

Anniston AL—1998 Loss Prevention Seminar - *Communicate Your Way to Effective Patient Relationships*

Contact: Mutual Assurance (your policyholder services representative) (800) 282-6242 or (205) 877-4400

CME Credit: 2 hours of Category 1

April 26

Destin FL—Alabama Chapter American College of OB/GYN - 1998 Loss Prevention Seminar - *Communicate Your Way to Effective Patient Relationships*

Contact: Mutual Assurance (your policyholder services representative) (800) 282-6242 or (205) 877-4400

CME Credit: 2 hours of Category 1

May 7

Point Clear AL—Alabama Chapter, American College of Surgeons - 1998 Loss Prevention Seminar - *Communicate Your Way to Effective Patient Relationships*

Contact: Mutual Assurance (your policyholder services representative) (800) 282-6242 or (205) 877-4400

CME Credit: 2 hours of Category 1

May 7-9

Huntsville—15th Annual Review of Modern Therapeutics

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

CME Credit: 15 hours Category 1

May 14

Birmingham, AL—Practical Day of Pediatrics

Contact: Mardi Mccord Trimble, Children's Hospital (205) 939-9898

CME Credit: TBA

June 1-3

Destin FL—Alabama Chapter, American College of Emergency Physicians - 1998 Loss Prevention Seminar - *Communicate Your Way to Effective Patient Relationships*

Contact: Mutual Assurance (your policyholder services representative) (800) 282-6242 or (205) 877-4400

CME Credit: 2 hours of Category 1

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