

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE PHYSICIAN LICENSE

OF

BRET ALEXANDER BOES, M.D.

CONSENT ORDER

WHEREAS, BRET ALEXANDER BOES, M.D., hereinafter referred to as "Licensee," is the current holder of Mississippi Medical License No. 14972, 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 Licensee and has in its possession clear and convincing evidence which, if produced during the course of an evidentiary hearing, might substantiate that Licensee has submitted a fraudulent statement in connection with the licensing requirements; has failed to maintain complete patient records, including records regarding the issuance of controlled substances; has unlawfully prescribed Schedule II amphetamines for the purpose of weight loss; has prescribed controlled substances outside the course of legitimate professional practice; and is guilty of unprofessional conduct, which includes being guilty of any dishonorable or unethical conduct likely to deceive, defraud or harm the public by virtue of a sexual relationship with a patient;

WHEREAS, the above conduct, if established before the Board, constitutes violations of the Mississippi Medical Practice Act, specifically, Subsections (3), (8)(d), (8)(f) and (13) of § 73-25-29, Miss. Code Ann., and has violated the Uniform Controlled Substances Law, specifically, Subsection (e) of § 41-29-139, Miss. Code Ann., as

amended, for which the Board may revoke the medical license of Licensee, suspend it 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 now the desire of Licensee to avoid an evidentiary hearing before the Board and, in lieu thereof, has agreed to enter into this Consent Order;

NOW, THEREFORE, the Mississippi State Board of Medical Licensure, with consent of Licensee as signified by his joinder herein, does hereby suspend Licensee's medical license, with said suspension immediately stayed, thereby placing Licensee's medical license on probation, subject to the following terms and conditions, to-wit:

1. Licensee shall secure advocacy from the Mississippi Professionals Health Program (MPHP) and comply with all requirements imposed by MPHP, including that which is set forth in the duly executed Recovery Contract Agreement (RCA) dated October 28, 2016, or any successor contracts or documents.
2. Licensee shall submit documentation of successful completion of the Prescribing Controlled Drugs and Distressed Physician courses as offered by the University of Florida within 12 months of the Board's acceptance of this order.
3. Licensee shall not prescribe, dispense or administer to staff, family members, or himself, any drug having addiction-forming or addiction-sustaining liability.
4. Licensee shall not seek employment or work in pain medicine, addiction medicine, or any medication assistant treatment (MAT) center. Future employment in the aforementioned specialties shall be at the sole discretion of the Board.
5. Licensee shall provide to the Board a monthly work itinerary by no later than the twenty-fifth (25th) day of the preceding month.
6. Licensee shall bear all costs related to testing or examinations required by the Board or its agents. Failure to promptly pay for testing constitutes a violation of this

Consent Order. Prompt payment is defined as payment in full within 90 days of issuance of any invoice for testing.

7. Licensee shall obey all federal, state and local laws, and all rules governing the practice of medicine in the State of Mississippi.
8. Licensee shall notify the Board within ten (10) days prior to departing the state to practice in another jurisdiction.
9. Licensee's practice shall be subject to periodic, unannounced surveillance or inspection by the Board. The Executive Director, or any member or agent of the Board, shall have a right at any time to inspect the practice location and records of Licensee, including but not limited to any and all medical records in any form or format including meta-data, orders for medication, prescriptions, billing records, any record deemed relevant by the Board or other document required to be maintained by Board Administrative Code or any statute or regulation.
10. In the event Licensee fails to comply with any of the conditions imposed by this Consent Order, the RCA, or other applicable laws or regulations, Licensee shall be immediately prohibited from practicing medicine, without a hearing, until such time as the Board and MPHP determine Licensee safe to return to the practice of medicine.
11. Licensee expressly agrees he will not seek or attempt to seek an appearance before the Board prior to the completion of the terms of this Order and, further, agrees the terms and conditions of this Order, once executed, may not be appealed.
12. Licensee shall have the right, but not the obligation, to seek an appearance before the Board for relief from this Consent Order after expiration of five (5) years from the date of execution of this Consent Order.

13. 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 is mailed to Licensee via U.S. Mail to Licensee's current mailing address.

This Consent Order shall be subject to 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.

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, if any, which any other agency or jurisdiction may take in response to this Order.

Recognizing his right to notice of charges, incorporated herein by reference, specified against him, to have such charges adjudicated pursuant to Miss. Code Ann., § 73-


25-27 (1972), to be represented therein by legal counsel of his choice, and to a final decision rendered upon written findings of fact and conclusions of law, **BRET ALEXANDER BOES, M.D.**, nevertheless, hereby waives his right to notice and a formal adjudication of the referenced charges and authorizes the Board to enter an order accepting this Consent Order, thereby placing his medical license on probation, subject to those terms and conditions listed above.

EXECUTED, this the 16th, day of March, 2017.



BRET ALEXANDER BOES, M.D.

ACCEPTED AND APPROVED, this the 16th, day of March, 2017,
by the Mississippi State Board of Medical Licensure.



CHARLES D. MILES, M.D.
Board President