ALABAMA STATE BOARD OF
MEDICAL EXAMINERS,

Complainant,

vs.

EVERITT NEWTON SIMMONS, M. D.,

Respondent.

BEFORE THE MEDICAL LICENSURE
COMMISSION OF ALABAMA

CASE NO. 16 - 022

JOINT PETITION, STIPULATION AND CONSENT ORDER

COME NOW, the Alabama State Board of Medical Examiners, Complainant, and EVERITT NEWTON SIMMONS, M. D., Respondent, and respectfully submit this Joint Petition and Stipulation to the Medical Licensure Commission, seeking the entry of the attached Consent Order to resolve the disciplinary charges filed against the Respondent's medical license. In support of this petition, the Parties state as follows:

STIPULATION

1. The Respondent, EVERITT NEWTON SIMMONS, M. D., was duly licensed to practice medicine or osteopathy in the state of Alabama on January 2, 1985, having been issued license number MD.11850, and the Respondent was so licensed at all times relevant to the matters asserted herein.

2. It is admitted by Dr. Simmons that on or about January 6, 2016, Dr. Simmons submitted or caused to be submitted an Alabama medical license renewal application for the year 2016 on which the certification was made that the annual minimum continuing medical education requirement of 25 credits had been met or would be met by December 31, 2015, and the licensee had supporting documents if audited.
3. Dr. Simmons admits that, in fact, the required number of continuing medical education credits necessary for renewal of the 2016 license had not been obtained and/or that supporting documentation was not produced; specifically, Dr. Simmons obtained sixteen and one quarter (16.25) valid credits.

4. Dr. Simmons acknowledges and admits that the foregoing facts constitute grounds for the imposition of disciplinary sanctions against the licensee's license to practice medicine or osteopathy in Alabama, specifically, violations of Ala. Code § 34-24-360(2)(2010) and Medical Licensure Commission Rule 545-X-5-.02. Dr. Simmons consents and agrees to the entry by the Medical Licensure Commission of Alabama of the Consent Order stated herein, and agrees to be bound by the findings of fact, conclusions of law, and terms and conditions stated therein. Dr. Simmons waives any further findings of fact and conclusions of law with respect to the above-styled matter, and waives any right to appeal of the Stipulation and Consent Order.

5. It is stipulated and agreed between the parties that this Joint Petition, Stipulation and Consent Order be submitted to the Medical Licensure Commission of Alabama, and that such Stipulation and Consent Order are subject to the Commission's approval. It is further agreed by the parties that the Medical Licensure Commission shall be permitted to examine and review, prior to approval of the Stipulation, the records and documents now in the possession of the Board of Medical Examiners concerning the stipulation of facts set forth herein. It is further agreed by the parties that, in the event the Medical Licensure Commission declines to accept this Stipulation and Consent Order, and requires the Board of Medical Examiners to present testimony and documentary exhibits at a subsequent hearing, any admissions by Dr. Simmons in this Stipulation shall not be binding upon Dr. Simmons, and the consideration by the
Commission of the Joint Petition, Stipulation and Consent Order and the documentary evidence referred to herein, will not be prejudicial to the right of Dr. Simmons to receive a fair and impartial hearing.

6. It is further agreed that Dr. Simmons will not seek to disqualify any member of the Medical Licensure Commission from hearing this matter based on that member's consideration of this joint petition.

STIPULATED AND AGREED this 17th day of May, 2016.

[Signature]

EVERITT NEWTON SIMMONS, M. D.

[Signature]
Witness/Attorney for Dr. Simmons

[Signature]
E. Wilson Hunter, Attorney for the Alabama Board of Medical Examiners
CONSENT ORDER

This matter is before the Medical Licensure Commission of Alabama on the Joint Petition and Stipulation of the Alabama Board of Medical Examiners and the Respondent, EVERITT NEWTON SIMMONS, M. D., entered on the 17th day of May, 2016. The Commission hereby finds that it has jurisdiction over this petition, stipulation, and the parties hereto, pursuant to Ala. Code § 34-24-361 (2010).

In consideration of the Stipulation of the parties, the Commission hereby finds that the Respondent, EVERITT NEWTON SIMMONS, M. D., has committed acts which violate Ala. Code § 34-24-360(2)(2010) and Medical Licensure Commission Rule 545-X-5-.02. The Commission concludes, as a matter of law, that the foregoing facts constitute violations of Ala. Code § 34-24-360(2)(2010) and Rule 545-X-5-.02.

Based upon the foregoing findings of fact and conclusions of law, it is the ORDER of the Medical Licensure Commission:

1. That the license to practice medicine of the Respondent, EVERITT NEWTON SIMMONS, M. D., license certificate number MD.11850, be, and is hereby REPRIMANDED.

2. That the Respondent, EVERITT NEWTON SIMMONS, M. D., be, and is hereby assessed an administrative fine in the amount of Two Thousand Dollars ($2,000.00). The administrative fine is due and payable to the Medical Licensure Commission within thirty (30) days of the date of this Consent Order.

3. That the Respondent, before December 31, 2016, shall complete twenty-five (25) credits of Category 1 continuing medical education in addition to earning the twenty-five (25)
credits of Category 1 continuing medical education which are necessary to receive his or her annual registration.

The Medical Licensure Commission retains jurisdiction in this matter for the purpose of entering such further orders and directives as may be required to implement the provisions of this Consent Order.

ORDERED this the 25th day of May, 2016.

James E. West, M.D.
James E. West, M.D., Chairman,
Medical Licensure Commission of Alabama