

**ALABAMA STATE BOARD OF
MEDICAL EXAMINERS,**

Complainant,

vs.

**NEFERTITI HARMON DURANT
M.D.,**

Respondent.

**BEFORE THE MEDICAL
LICENSURE COMMISSION
OF ALABAMA**

CASE NO. 2023-087

**ORDER TEMPORARILY SUSPENDING LICENSE
AND SETTING HEARING**

The Medical Licensure Commission has received the verified Administrative Complaint and Petition for Summary Suspension of License (“the Administrative Complaint”) filed by the Alabama State Board of Medical Examiners in this matter. The Commission has determined that this matter is due to be set down for hearing under the provisions of Ala. Code § 34-24-361(e). This Order shall serve as the Notice of Hearing prescribed in Ala. Admin. Code r. 545-X-3-.03(3), (4). The Commission’s legal authority and jurisdiction to hold the hearing in this matter are granted by Article 8, Chapter 24, Title 34 of the Code of Alabama (1975), and the particular sections of the statutes and rules involved are as set forth in the Administrative Complaint and in this Order.

1. Temporary Suspension of License

Upon the verified Administrative Complaint of the Alabama State Board of

Medical Examiners, and pursuant to the legal authority of Ala. Code §§ 34-24-361(f) and 41-22-19(d), it is the ORDER of the Commission that the license to practice medicine or osteopathy, license certificate number MD.27640 of **NEFERTITI HARMON DURANT**, M.D. (“Respondent”), be, and the same is hereby, immediately **SUSPENDED**. Respondent is hereby **ORDERED** and **DIRECTED** to surrender the said license certificate to Grey Hardy, a duly authorized agent of the Medical Licensure Commission. Respondent is further **ORDERED** immediately to **CEASE** and **DESIST** from the practice of medicine in the State of Alabama.

This action is taken consistent with the Rules and Regulations of the Board of Medical Examiners and the Medical Licensure Commission and Ala. Code § 34-24-361(f), based upon the request of the Alabama State Board of Medical Examiners upon the Board’s finding and certification that the Board presently has in its possession evidence that the continuance in practice of Respondent may constitute an immediate danger to his patients and the public.

2. Service of the Administrative Complaint

A copy of the Administrative Complaint and a copy of this Order shall be served forthwith upon the Respondent, by personally delivering the same to Respondent if he or she can be found within the State of Alabama, or, by overnight courier, signature required, to Respondent’s last known address if he or she cannot be found within the State of Alabama. The Commission further directs that personal

service of process shall be made by Greg Hardy, who is designated as the duly authorized agent of the Commission.

3. Initial Hearing Date

This matter is set for a hearing as prescribed in Ala. Code §§ 34-24-360, *et seq.*, and Ala. Admin. Code Chapter 545-X-3, to be held on Wednesday, June 28th, 2023, at 10:00 a.m., at 848 Washington Avenue, Montgomery, Alabama, 36104. Unless otherwise specified by the Commission, the hearing will be held in person. All parties and counsel are expected to appear and to be prepared for the hearing at this date, time, and place.

4. Appointment of Hearing Officer

The Commission appoints the Honorable William R. Gordon, Circuit Judge (Ret.) as the Hearing Officer in this matter, pursuant to Ala. Admin. Code r. 545-X-3-.08. The Hearing Officer shall exercise general superintendence over all prehearing proceedings in this matter, and shall serve as the presiding officer at the hearing, having and executing all powers described in Ala. Admin. Code r. 545-X-3-.08(1)(a)-(g).

5. Answer

Respondent shall file an Answer, as prescribed in Ala. Admin. Code r. 545-X-3-.03(6), within 20 calendar days of the service of the Administrative Complaint. If

Respondent does not file such an Answer, the Hearing Officer shall enter a general denial on Respondent's behalf.

6. Rescheduling/Motions for Continuance

All parties and attorneys are expected to check their schedules immediately for conflicts. Continuances will be granted only upon written motion and only for good cause as determined by the Chairman of the Medical Licensure Commission. Continuances requested on grounds of engagement of legal counsel on the eve of the hearing will not be routinely granted.

7. Case Management Orders

The Hearing Officer is authorized, without further leave of the Commission, to enter such case management orders as he considers appropriate to the particular case. Among any other matters deemed appropriate by the Hearing Officer, the Hearing Officer may enter orders addressing the matters listed in Ala. Admin. Code r. 545-X-3-.03(5)(a)-(f) and/or 545-X-3-.08(1)(a)-(g). All parties will be expected to comply with such orders.

8. Manner of Filing and Serving Pleadings

All pleadings, motions, requests, and other papers in this matter may be filed and served by e-mail. All filings should be e-mailed to:

- The Hearing Officer, William Gordon (wrgordon@charter.net);

- The Director of Operations of the Medical Licensure Commission, Rebecca Robbins (rrobbins@almlc.gov);
- General Counsel of the Medical Licensure Commission, Aaron Dettling (adettling@almlc.gov);
- General Counsel for the Alabama Board of Medical Examiners, Wilson Hunter (whunter@albme.gov); and
- Respondent/Licensee or his or her counsel, as appropriate.

The Director of Operations of the Medical Licensure Commission shall be the custodian of the official record of the proceedings in this matter.

9. Discovery

Consistent with the administrative quasi-judicial nature of these proceedings, limited discovery is permitted, under the supervision of the Hearing Officer. *See Ala. Code § 41-22-12(c); Ala. Admin. Code r. 545-X-3-.04.* All parties and attorneys shall confer in good faith with one another regarding discovery. If disputes regarding discovery are not resolved informally, a motion may be filed with the Hearing Officer, who is authorized to hold such hearings as appropriate and to make appropriate rulings regarding such disputes.

10. Publicity and Confidentiality

Under Alabama law, the Administrative Complaint and this Order are public documents. The hearing itself is closed and confidential. The Commission's written

decision, if any, will also be public. *See* Ala. Code § 34-24-361.1; Ala. Admin. Code r. 545-X-3-.03(10)(h), (11).

11. Stipulations

The parties are encouraged to submit written stipulations of matters as to which there is no basis for good-faith dispute. Stipulations can help to simplify and shorten the hearing, facilitate the Commission's decisional process, and reduce the overall costs of these proceedings. Written stipulations will be most useful to the Commission if they are submitted in writing approximately 10 days preceding the hearing. The Hearing Officer is authorized to assist the parties with the development and drafting of written stipulations.

12. Judicial Notice

The parties are advised that the Commission may take judicial notice of its prior proceedings, findings of fact, conclusions of law, decisions, orders, and judgments, if any, relating to the Respondent. *See* Ala. Code § 41-22-13(4); Ala. Admin. Code r. 545-X-3-.09(4).

13. Settlement Discussions

The Commission encourages informal resolution of disputes, where possible and consistent with public interest. If a settlement occurs, the parties should notify the Hearing Officer, the Commission's Director of Operations, and Commission's

General Counsel. The terms of settlement are subject to the approval of the Commission. If approved, the Commission will generally incorporate the settlement terms into a Consent Decree.

14. Subpoenas

The Commission has the statutory authority to compel the attendance of witnesses, and the production of books and records, by the issuance of subpoenas. *See* Ala. Code §§ 34-24-363; 41-22-12(c); Ala. Admin. Code r. 545-X-3-.05. The parties may request that the Hearing Officer issue subpoenas for witnesses and/or documents, and the Hearing Officer is authorized to approve and issue such subpoenas on behalf of the Commission. Service of such subpoenas shall be the responsibility of the party requesting such subpoenas.

15. Hearing Exhibits

- A. Parties and attorneys should, if possible, stipulate as to the admissibility of documents prior to the hearing.
- B. The use of electronic technology, USB drives, CD's, DVD's, etc. is acceptable and encouraged for voluminous records. If the Commission members will need their laptop to view documents, please notify the Hearing Officer prior to your hearing.
- C. If providing hard copies, voluminous records need not be copied for everyone but, if portions of records are to be referred to, those portions should be copied for everyone.
- D. If a document is to be referred to in a hearing, copies should be available for each Commission member, the Hearing Officer, the Commission's General Counsel, opposing attorney, and the court reporter (12 copies).
- E. Index exhibits/documents for easy reference.

F. Distribute exhibit/document packages at the beginning of the hearing to minimize distractions during the hearing.

16. Administrative Costs

The Commission is authorized, pursuant to Ala. Code § 34-24-381(b) and Ala. Admin. Code r. 545-X-3-.08(9) and (10), to assess administrative costs against the Respondent if he or she is found guilty of any of the grounds for discipline set forth in Ala. Code § 34-24-360. The Board of Medical Examiners [X]has / []has not given written notice of its intent to seek imposition of administrative costs in this matter.

17. Appeals

Appeals from final decisions of the Medical Licensure Commission, where permitted, are governed by Ala. Code § 34-24-367.

DONE on this the 27th day of March, 2023.

THE MEDICAL LICENSURE
COMMISSION OF ALABAMA

By:


Craig H. Christopher, M.D.
its Chairman

Distribution:

- Honorable William R. Gordon (incl. Administrative Complaint)
- Rebecca Robbins
- Respondent/Respondent's Attorney
- E. Wilson Hunter
- Aaron L. Dettling

BEFORE THE MEDICAL LICENSURE COMMISSION OF ALABAMA

**ALABAMA STATE BOARD OF
MEDICAL EXAMINERS,**)
)
)
Complainant,)
)
v.)
)
NEFERTITI HARMON DURANT,)
M.D.,)
)
Respondent.)

CASE NO.: 2023-087

**ADMINISTRATIVE COMPLAINT AND
PETITION FOR SUMMARY SUSPENSION OF LICENSE**

COMES NOW the Alabama State Board of Medical Examiners (“the Board”), by and through its counsel, and submits this Administrative Complaint and Petition for Summary Suspension of License, to summarily suspend and revoke or sanction NEFERTITI HARMON DURANT, M.D.’s (“Respondent”) medical license under Ala. Code § 34-24-361(e).

JURISDICTION

1. On or about August 23, 2006, Respondent, NEFERTITI HARMON DURANT, M.D., was issued license number MD.27640, to practice medicine in the state of Alabama. She has maintained an Alabama medical license since 2006 and was licensed at all times material to this complaint.

FACTS

2. On or about August 16, 2020, Respondent received an Alabama Uniform Traffic Ticket and Complaint for driving under the influence of alcohol in Jefferson County, Alabama in violation of Ala. Code 32-5A-191(a)(2).

3. On October 5, 2020, Respondent pled not guilty to the charge.

4. On or about November 19, 2020, Respondent disclosed the DUI arrest during the process of renewing her medical license for calendar year 2021.

5. On or about December 28, 2020, the Board opened an investigation and served Respondent with a Notice of Investigation on January 21, 2021.

6. On February 17, 2021, Respondent provided a written response to the Notice, indicating that she notified the Risk Management department at the University of Alabama Health Services Foundation of her arrest and met with Sandra Frazier, UAB Physician Health Officer, for an assessment.

7. The Board interviewed Respondent on or about July 21, 2021, and thereafter closed the matter.

8. On December 27, 2022, Respondent signed an Agreement Not to Practice Medicine until completion of a professional evaluation and approval by [REDACTED]

[REDACTED]

9. On or about January 3, 2023, Respondent received an Alabama Uniform Traffic Ticket and Complaint for driving under the influence of alcohol in St. Clair County, Alabama in violation of Ala. Code 32-5A-191(a)(2). This matter is currently set for a bench trial on April 26, 2023.

10. On or about March 16, 2023, [REDACTED] notified the Board that Respondent was directed to complete a professional evaluation as a result of behavior displayed at UAB and for possible substance abuse issues.

11. [REDACTED] further informed the Board that Respondent entered the [REDACTED] [REDACTED] on or about January 17, 2023, for evaluation and treatment. While in treatment,

Respondent was reportedly disruptive and difficult to work with. Her behavior became so erratic that she was admitted to [REDACTED] on January 22, 2023.

12. After completing [REDACTED], Respondent returned to [REDACTED]. According to a Treatment Update provided by [REDACTED], a [REDACTED], Respondent oscillated from calm and cooperative to labile and obstinate. She expressed anger towards the treatment team for applying the Marchman Act, a law in the State of Florida which provides a way to have a person with a substance use disorder involuntarily committed to a treatment facility for evaluation, stabilization, and treatment under very specific circumstances. See <https://americanaddictioncenters.org/rehab-guide/marchman-act>. Respondent claimed that she was forced into care against her will and was being held hostage. She was not receptive to the feedback of staff or peers and began to verbalize threats towards members of the treatment team and several peers.

13. On February 27, 2023, Respondent refused to contract for safety [REDACTED] and expressed a desire to return to [REDACTED]. [REDACTED] discharged Respondent from the physician health program with the intention of stabilization [REDACTED] and transfer to an alternative facility, possibly in Alabama, per her request. She was discharged from [REDACTED] on February 27, 2023.

14. The Treatment Note authored by [REDACTED], on March 6, 2023, indicates that Respondent had been discharged from the physician's health program and transferred to a higher level of care [REDACTED]. Her diagnoses included [REDACTED]

[REDACTED]

[REDACTED]

15. On or about March 10, 2023, [REDACTED], notified [REDACTED] that Respondent left [REDACTED] against medical advice.

16. Respondent's whereabouts are currently unknown by the Board.

CHARGES

17. Based on Respondent's history, medical diagnoses, use of alcohol, possible use of controlled substances, and leaving a treatment facility against medical advice, the Board has investigated Respondent and concluded that there is probable cause to believe that she has violated Ala. Code § 34-24-360.

COUNT ONE – INABILITY TO PRACTICE MEDICINE WITH REASONABLE SKILL AND SAFETY TO PATIENTS

18. Beginning on or about January 3, 2023, and continuing through the present day, NEFERTITI HARMON DURANT, M.D., has been unable to practice medicine with reasonable skill and safety to her patients by reason of illness, inebriation, excessive use of alcohol, or any other substance, or as a result of any mental or physical condition, in violation of Ala. Code § 34-24-360(19)a.

COUNT TWO – UNPROFESSIONAL CONDUCT

19. On or about February 27, 2023, NEFERTITI HARMON DURANT, M.D., engaged in unprofessional conduct when she consented to an evaluation recommended by [REDACTED], failed to complete the treatment recommended as a result of the evaluation, and left a treatment facility against medical advice, a violation of ALA. CODE § 34-24-360(2) and (23).

WHEREFORE, the foregoing premises considered, the Alabama State Board of Medical Examiners respectfully requests that the Medical Licensure Commission ("the Commission"), pursuant to its authority under Ala. Code §§ 34-24-361(f) and 41-22-19(d), immediately suspend the license to practice medicine in Alabama of NEFERTITI HARMON DURANT, M.D., without

a hearing, and order that she immediately cease and desist from the practice of medicine in the State of Alabama and surrender to the Commission, or a designated agent, her license to practice medicine.

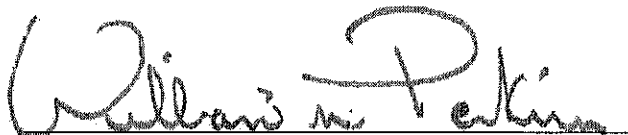
Further, the Board requests that the Commission set a hearing on this Administrative Complaint, and order that NEFERTITI HARMON DURANT, M.D., appear and answer the allegations contained in this Administrative Complaint. The Board requests that, at the conclusion of the hearing, the Commission revoke the license to practice medicine of Respondent, assess the maximum fine, and/or take such other actions as the Commission may deem appropriate based upon the evidence presented for consideration.

The Board is continuing the investigation of Respondent and said investigation may result in additional charges being prepared and filed as an amendment to this Administrative Complaint.

The Board requests that administrative costs be assessed against Respondent pursuant to Ala. Code § 34-24-381 and Commission Rule 545-X-3-.08(12)(e).

This Administrative Complaint is executed for and on behalf of the Board by its Executive Director pursuant to the instructions of the Board as contained in its resolution of March 16, 2023, a copy of which is attached hereto and incorporated herein.

EXECUTED this 3/17 day of March, 2023.

A handwritten signature in black ink that reads "William M. Perkins". The signature is written in a cursive style with a large, prominent initial "W".

William M. Perkins
Executive Director
ALABAMA STATE BOARD OF MEDICAL EXAMINERS



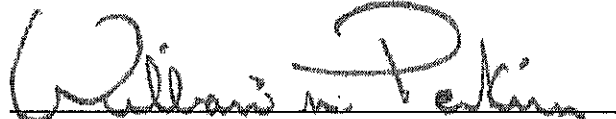
E. Wilson Hunter
General Counsel
ALABAMA STATE BOARD OF MEDICAL EXAMINERS
P.O. Box 946
Montgomery, AL 36101-0946
Telephone # (334) 242-4116
whunter@albme.gov



Alicia Harrison
Associate General Counsel
ALABAMA STATE BOARD OF MEDICAL EXAMINERS
P.O. Box 946
Montgomery, AL 36101-0946
Telephone # (334) 833-0167
aharrison@albme.gov

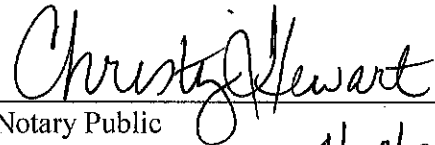
STATE OF ALABAMA)
MONTGOMERY COUNTY)

Before me, the undersigned, personally appeared William M. Perkins, who, being by me first duly sworn, deposes and says that he, in his capacity as Executive Director of the Alabama State Board of Medical Examiners, has examined the contents of the foregoing complaint and petition and affirms that the contents thereof are true and correct to the best of his knowledge, information and belief.



William M. Perkins
Executive Director
ALABAMA STATE BOARD OF MEDICAL EXAMINERS

SWORN TO AND SUBSCRIBED before me this the 21st day of March, 2023.



Notary Public
My commission expires: 4/14/2023

STATE OF ALABAMA)
)
MONTGOMERY COUNTY)

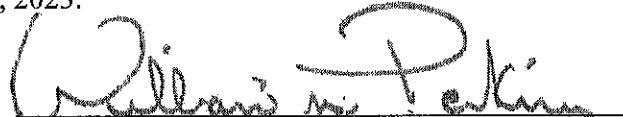
AFFIDAVIT

Before me, the undersigned, personally appeared William M. Perkins, Executive Director of the Alabama State Board of Medical Examiners, who, being by me first duly sworn deposes and says as follows:

The Alabama State Board of Medical Examiners in session on March 16, 2023, a quorum of the members of the Board being present, conducted an investigation into the medical practice of NEFERTITI HARMON DURANT, M.D. At the conclusion of the discussion, the Board adopted the following resolution:

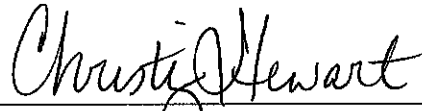
Nefertiti Harmon Durant, M.D., Birmingham, AL After consideration of investigative information, the Credentials Committee recommended that an Administrative Complaint and Petition for Summary Suspension of Medical License be filed with the Medical Licensure Commission. The motion was adopted without objection.

I further certify that the foregoing resolution was adopted by the Alabama State Board of Medical Examiners on the 16th day of March, 2023.



William M. Perkins
Executive Director
ALABAMA STATE BOARD OF MEDICAL EXAMINERS

SWORN TO AND SUBSCRIBED before me this the 21st day of March, 2023.



Notary Public
My commission expires: 4/14/2023

THE ALABAMA STATE BOARD)
OF MEDICAL EXAMINERS,)
)
Complainant)
)
vs.)
)
NEFERTITI HARMON DURANT, M.D.)
Respondent.)

BEFORE THE MEDICAL LICENSURE
COMMISSION OF ALABAMA

Case Number 2023-087

RETURN OF SERVICE

I, the undersigned, being over the age of 19 years and being neither party to nor having any interest in the above referenced matter, and being designated by order of the Medical Licensure Commission as its duly authorized agent for the service of process, hereby certify that I have on this 27th day of March, 2023 served a copy of this Administrative Complaint and Order Setting Hearing issued by the Medical Licensure Commission, upon NEFERTITI HARMON DURANT, M.D., by handing the same to him in person.

Received By

Investigator

SWORN to and subscribed before me this 28th day of March, 2023.



Notary Public

My Commission Expires: 12-20-2026