

NORTH CAROLINA MEDICAL BOARD
Board Orders/Consent Orders/Other Board Actions
May--June 2008

DEFINITIONS

Annulment:

Retrospective and prospective cancellation of the practitioner's authorization to practice.

Conditions:

A term used to indicate restrictions, requirements, or limitations placed on the practitioner.

Consent Order:

An order of the Board stating an agreement between the Board and the practitioner regarding the annulment, revocation, suspension, or surrender of authorization to practice, or the conditions placed on authorization to practice, or other action taken by the Board relative to the practitioner. (A method for resolving a dispute without a formal hearing.)

Denial:

Decision denying an application for practice authorization or reconsideration of a Board action.

Dismissal:

Board action dismissing a contested case.

Inactive Medical License:

To be "active," a medical license must be registered on or near the physician's birthday each year. By not registering his or her license, the physician allows the license to become "inactive." The holder of an inactive license may *not* practice medicine in North Carolina. Licensees will often elect this status when they retire or do not intend to practice in the state. (Not related to the "voluntary surrender" noted below.)

NA:

Information not available or not applicable.

NCPHP:

North Carolina Physicians Health Program.

Public Letter of Concern:

A letter in the public record expressing the Board's concern about a practitioner's behavior or performance. Concern has not risen to the point of requiring a formal proceeding but should be known by the public. If the practitioner requests a formal disciplinary hearing regarding the conduct leading to the letter of concern, the letter will be vacated and a formal complaint and hearing initiated.

Reentry Agreement

Arrangement between the Board and a practitioner in good standing who is "inactive" and has been out of clinical practice for two years or more. Permits the practitioner to resume active practice through a reentry program approved by the Board to assure the practitioner's competence.

RTL:

Resident Training License. (Issued to those in post-graduate medical training who have not yet qualified for a full medical license.)

Revocation:

Cancellation of authorization to practice. Authorization may not be reissued for at least two years.

Stay:

Full or partial stopping or halting of a legal action, such as suspension, on certain stipulated grounds.

Summary Suspension:

Immediate withdrawal of authorization to practice prior to the initiation of further proceedings, which are to begin within a reasonable time. (Ordered when the Board finds the public health, safety, or welfare requires emergency action.)

Suspension:

Withdrawal of authorization to practice for a stipulated period of time or indefinitely.

Temporary/Dated License:

License to practice for a specific period of time. Often accompanied by conditions contained in a Consent Order. May be issued as an element of a Board or Consent Order or subsequent to the expiration of a previously issued temporary license.

Voluntary Surrender:

The practitioner's relinquishing of authorization to practice pending or during an investigation. Surrender does not preclude the Board bringing charges against the practitioner. (Not related to the "inactive" medical license noted above.)

ANNULMENTS

NONE

REVOCATIONS

DURFEY, John Quincy, MD

Location: Panama City, FL | DOB: 10/28/1929
License #: 000020259 | Specialty: AN (as reported by physician)
Medical Ed: Columbia University (1954)
Cause: Dr. Durfey was convicted of multiple felonies, including health care fraud and illegally dispensing controlled substances.
Action: 06/24/2008. Notice of revocation issued.

SUSPENSIONS

See Consent Orders:

BROOKS, Michael Lee, MD

FLECHAS, Jorge David, MD

TYSINGER, John Reed, MD

WERTHEIMER, Thomas Albert, MD

SUMMARY SUSPENSIONS

HADDON, Werner Scott, MD

Location: Raleigh, NC (Wake Co) | DOB: 05/27/1959
License #: 000035356 | Specialty: GS (as reported by physician)
Medical Ed: University of North Carolina, Chapel Hill (1985)
Cause: Dr. Haddon was arrested on May 21, 2008. It is anticipated he will be charged with multiple counts of assault and battery with intent to kill and one count each of kidnapping and burglary. Dr. Haddon's arrest came after he kidnapped his son, who was in the custody of his grandmother. Law enforcement officers responded to the grandmother's 911 call and Dr. Haddon shot at them. Officers were able to safely free the boy and Dr. Haddon again fired a gun at them. The law enforcement officers returned fire, shooting Dr. Haddon, who suffered multiple gunshot wounds. The Board found this conduct required emergency action to protect the public health, safety and welfare.
Action: 05/23/2008. Dr. Haddon's license to practice medicine is summarily suspended.

CONSENT ORDERS

BROOKS, Michael Lee, MD

Location: Pembroke, NC (Robeson Co) | DOB: 11/24/1950
License #: 000028845 | Specialty: IM (as reported by physician)
Medical Ed: Bowman Gray School of Medicine, Wake Forest University (1979)
Cause: Dr. Brooks on several occasions illegally obtained hydrocodone for personal use. He did this by issuing prescriptions in another person's name, without that person's knowledge. Dr. Brooks voluntarily surrendered his medical license in December 2007.
Action: 05/16/2008. Consent order executed: Dr. Brooks' medical license is indefinitely suspended.

CRUMP, Carolyn Faydene, MD

Location: Lexington, NC (Davidson Co) | DOB: 01/27/1950
License #: 200501115 | Specialty: GP (as reported by physician)
Medical Ed: George Washington University School of Medicine and Health Sciences (1976)
Cause: Dr. Crump entered into a consent order with the Board in June 2005, after a period of about six years out of active clinical practice. Because of the length of time out of practice and health issues, Dr. Crump agreed to

comply with various terms and conditions to obtain a license, including practicing under the supervision of a physician colleague. Dr. Crump met with members of the Board in July 2007 to discuss her practice plans.

Action: 06/10/2008. Dr. Crump's consent order is amended to allow her to work 18 hours a week, provided that she has coverage by her supervising physician.

FARAHANY, Hossein H., MD

Location: Charlotte, NC (Mecklenberg Co) | DOB: 01/10/1942

License #: 000023377 | Specialty: C/IM (as reported by physician)

Medical Ed: Tehran University, Iran (1968)

Cause: Dr. Farahany entered into a settlement agreement with the United States Government in January 2006 in which he agreed to pay the government \$2.6 million. The U.S. Government contended that, between 1997 and 2003, Dr. Farahany instructed his staff to bill his time at the highest possible billing code, whether or not that level of service was warranted. Dr. Farahany does not admit that he submitted or caused to be submitted any false claims to the Medicare Program.

Action: 05/13/2008. Consent order executed: Dr. Farahany shall receive a public letter of concern for the above-described conduct.

FLECHAS, Jorge David, MD

Location: Hendersonville, NC (Henderson Co) | DOB: 09/02/1951

License #: 000024245 | Specialty: FP (as reported by physician)

Medical Ed: Loma Linda University (1977)

Cause: Based on reviews of seven patient charts, the Board has concerns about the adequacy of Dr. Flechas' patient work-ups, the comprehensiveness of his care and the documentation in his patient charts. An assessment of Dr. Flechas' clinical competency found that he often came up with unorthodox diagnoses and treatments and tended to order unnecessary laboratory tests and, as such, would benefit from additional education.

Action: 05/23/2008. Consent order executed: Dr. Flechas' medical license is suspended for one year, but this action is immediately stayed provided he comply with terms. He shall obtain at least 10 hours of CME credit within six months of this order, have charts reviewed periodically by the Board or its designee and comply with other conditions.

HORCHAK, Alex Michael, MD

Location: Cottonwood, AZ | DOB: 05/30/1960

License #: 2008-00739 | Specialty: U (as reported by physician)

Medical Ed: Hahnemann University (1984)

Cause: Dr. Horchak entered into a consent order with the Arizona Medical Board in 2004, in which he accepted a reprimand as a result of his settlement of a malpractice suit against him and another surgeon following the death of a nephrology patient who had undergone surgery.

Action: 05/09/2008. Non-disciplinary consent order executed: Dr. Horchak is issued a North Carolina medical license.

KHURI, Radwan Rafik, MD

Location: Memphis, Tenn. | DOB: 06/24/1954

License #: 200201597 | Specialty: P (as reported by physician)

Medical Ed: American University of Beirut (1978)

Cause: Dr. Khuri is owner of SYMED Behavioral Medicine, which provides psychiatric care and medication management to nursing home residents in several states, including North Carolina. Dr. Khuri served as primary supervising physician for several of SYMED's North Carolina nurse practitioners and, at times, was not in compliance with the Board's rules for supervision of NPs. He did not meet face-to-face with one NP he supervised and communicated less often than monthly with another. Dr. Khuri did not personally interview the NPs he hired and rarely met with them after they were hired; It was even rarer for him to observe the NPs practice of medicine first hand.

Action: 05/30/2008. Consent order executed: Dr. Khuri is reprimanded and barred from supervising NPs or PAs in North Carolina unless he is residing and practicing in this state. He shall also ensure that all SYMED primary supervising physicians comply with Board guidelines for supervision of mid-level practitioners.

MAESTAS, Rebecca Amelia, PA

Location: Plymouth, NC (Washington Co) | DOB: 11/28/1964
License #: 001001380
PA Education: Eastern Virginia Medical School (2003)
Cause: Ms. Maestas did not work clinically as a PA from the time she graduated in 2003 until February 2007, which she obtained a Virginia PA license. Because of Ms. Maestas' short time in practice, the Board determined that a program of re-entry to ensure her safe transition into practice is needed.
Action: 05/27/2008. Non-disciplinary consent order executed: Ms. Maestas is issued a physician assistant license and required to comply with conditions. She must have her supervising physician observe her practice for one year following her resumption of practice and have that physicians submit quarterly letters to the Board reporting on the level of Ms. Maestas' clinical skills.

MANNO, Salvatore Angelo, PA-C

Location: Petoskey, MI | DOB: 10/23/1967
License #: 0010-01409
PA Education: Hahnemann University (1998)
Cause: Mr. Manno has had episodes of depression during his career. He has sought treatment and is currently in therapy. He also has signed a monitoring contract with the NCPHP.
Action: 06/27/2008. Consent order executed: Mr. Manno is issued a PA license, provided he maintains his PHP contract and abides by its terms.

MCALISTER, Linda Theresa, MD

Location: Fayetteville, NC (Cumberland Co) | DOB: 10/20/1950
License #: 000028667 | Specialty: OB/GYN (as reported by physician)
Medical Ed: University of California at San Francisco (1978)
Cause: Dr. McAlister failed to complete a program of professional development required under the terms of a 2005 consent order that raised concerns about her level of competence based on the results of an independent assessment of Dr. McAlister's clinical skills.
Action: 05/27/2008. Consent order executed: Dr. McAlister is reprimanded and required to report to NCPHP for an assessment. She shall be monitored and have patient charts reviewed by a physician approved by the Board president and is also required to obtain a certificate of renewal in gynecology from the American Board of Obstetrics and Gynecology within 12 months of becoming eligible.

NJAPA, Anthony Kechante, MD

Location: Raleigh, NC (Wake Co) | DOB: 11/14/1963
License #: 009701222 | Specialty: GP (as reported by physician)
Medical Ed: NY College of Osteopathic Medicine (1992)
Cause: While practicing as an OB/GYN in New York State, Dr. Njapa had action taken against his license by the New York State Board for Professional Medical Conduct. The New York Board alleged that Dr. Njapa made inappropriate attempts at a vacuum-assisted delivery on one patient and then inappropriately performed and failed to follow-up a postsurgical fistula repair on another. Dr. Njapa is no longer practicing as an OB/GYN.
Action: 06/27/2008. Consent order executed: Dr. Njapa is reprimanded, placed on probation and must comply with conditions, including practicing medicine only when monitored by a licensed physician who is board-certified in an appropriate specialty.

TYSINGER, John Reed, MD

Location: Greensboro, NC (Guilford Co) | DOB: 03/23/1945
License #: 000018296 |
Medical Ed: Medical University of South Carolina (1970)
Cause: Dr. Tysinger voluntarily reduced his staff privileges at a Greensboro hospital so that he can no longer perform interventional cardiology procedures. The Board has sufficient information to determine that Dr. Tysinger should no longer perform such procedures.
Action: 05/15/2008. Consent order executed: Dr. Tysinger's license is indefinitely suspended, but that suspension is immediately stayed provided he that he abide by certain terms, conditions and limitations. He shall not

perform interventional cardiology procedures. Interventional cardiology procedures should not be construed to include pacemaker insertions and diagnostic catheterizations. He shall also obtain an assessment from the NCPHP.

WERTHEIMER, Thomas Albert, MD

Location: Wilmington, NC (New Hanover Co) | DOB: 08/07/1963
License #: 009900386 | Specialty: IM (as reported by physician)
Medical Ed: SUNY Syracuse (1996)
Cause: Dr. Wertheimer abruptly left practice in February 2008 in order to undergo inpatient treatment for abuse of and addiction to controlled substances. He had been using opiates and diverting controlled substances for personal use. Dr. Wertheimer voluntarily surrendered his license to practice medicine on February 7, 2008 and he has entered into a five-year contract with the NCPHP.
Action: 05/05/2008. Consent Order executed: Dr. Wertheimer's license to practice medicine is indefinitely suspended.

YAGGER, Scott David, DO

Location: Rocky Mount, VA | DOB: 12/23/1960
License #: 2008-00677 | Specialty: EM/IM (as reported by physician)
Medical Ed: Nova Southeastern University, College of Osteopathic Medicine (1989)
Cause: Dr. Yagger entered into a consent order with the Florida Medical Board in June 2002 in which he accepted a letter of concern and a \$2,500 fine for falsely attesting to having obtained CME credits. Dr. Yagger appeared before the NC Medical Board in March 2008 for a licensing interview, during which he stated that this was unintentional and in error.
Action: 05/05/2008. Consent Order executed: Dr. Yagger is reprimanded and issued a license to practice medicine and surgery.

MISCELLANEOUS ACTIONS

HARMON, Perry Monroe, MD

Location: Hillsborough, NC (Orange Co) | DOB: 03/15/1949
License #: 000025145 | Specialty: GYN (as reported by physician)
Medical Ed: University of North Carolina, Chapel Hill (1974)
Cause: Dr. Harmon has no present plans to return to the clinical practice of medicine but is seeking employment with the Social Security Administration, Disability Determination Section.
Action: 06/16/2008. Administrative limited license issued.

DENIALS OF RECONSIDERATION/MODIFICATION

NONE

DENIALS OF LICENSE/APPROVAL

OWER, Kristine Michelle, PA

Location: Charlotte, NC (Mecklenberg Co) | DOB: 11/21/1977
License #: NA
PA Education: Western University of Health Sciences (2000)
Action: 06/19/2008. Application for North Carolina physician assistant license denied.

SURRENDERS

APOSTOLOU, Michael Phillip, MD

Location: New Bern, NC (Craven Co) | DOB: 11/15/1957
License #: 009701222 | Specialty: N (as reported by physician)
Medical Ed: Eastern Virginia Medical School (1992)
Action: 05/23/2008. Voluntary surrender of North Carolina medical license.

JAMIESON, Brian David, MD

Location: Goldsboro, NC (Wayne Co) | DOB: 12/01/1975
License #: 200600975 | Specialty: AN (as reported by physician)
Medical Ed: University of Texas Southwestern Medical Center at Dallas (2001)
Action: 06/05/2008. Voluntary surrender of North Carolina medical license.

LAND, Phillip Barton, PA-C

Location: Denton, NC (Davidson Co) | DOB: 10/31/1961
License #: 000102750
PA Education: Methodist College (1999)
Action: 05/12/2008. Voluntary surrender of North Carolina physician assistant license.

PAUL, Robert Allen, Jr., PA

Location: Raleigh, NC (Wake Co) | DOB: 12/28/1968
License #: 000102781
PA Education: Rutgers University (1996)
Action: 06/13/2008. Voluntary surrender of North Carolina physician assistant license.

PUBLIC LETTERS OF CONCERN**CALLWOOD, Dwayne Dennis, MD**

Location: Burlington, NC (Alamance Co) | DOB: 03/01/1963
License #: 000035857 | Specialty: C/IM (as reported by physician)
Medical Ed: Medical College of Virginia (1989)
Cause: A malpractice payment was made on Dr. Callwood's behalf in relation to care provided by a physician assistant under his supervision. Dr. Callwood agreed with the PA's diagnosis of diverticulitis in a patient who presented to the emergency room with complaints of abdominal pain, back pain and high levels of pain. In fact, the patient was suffering from a ruptured abdominal aortic aneurysm, which led to the patient's death.
Action: 06/11/2008. Public letter of concern issued.

FARAHANY, Hossein H., MD

Location: Charlotte, NC (Mecklenberg Co) | DOB: 01/10/1942
License #: 000023377 | Specialty: CD (as reported by physician)
Medical Ed: Tehran University, Iran (1968)
Cause: On January 31, 2006, Dr. Farahany entered into a settlement agreement with the U.S. Department of Health and Human Services in which he agreed to pay \$2.6 million to the U.S. Government. Dr. Farahany did not admit to submitting or causing to be submitted any false or fraudulent claims.
Action: 05/19/2008. Public letter of concern issued.

JEMSEK, Joseph Gregory, MD

Location: Huntersville, NC (Mecklenberg Co) | DOB: 04/16/1949
License #: 000023386 | Specialty: IM (as reported by physician)
Medical Ed: University of Illinois (1974)
Cause: The Board finds that Dr. Jemsek did not adequately supervise nurse practitioners in his practice. Further, the Board is concerned that Dr. Jemsek treated patients with putative diagnoses of Lyme disease with hyperbaric therapy, which the Board finds to be non-indicated for Lyme.
Action: 06/23/2008. Public letter of concern issued.

JOHNSON, Curtis Henry, PA-C

Location: Fayetteville, NC (Cumberland Co) | DOB: 10/22/1964
License #: 000103019
PA Education: N/A

Cause: A patient who presented to the emergency room with complaints of abdominal pain, back pain and high levels of pain was misdiagnosed with constipation and possible diverticulitis. In fact, the patient was suffering from a ruptured abdominal aortic aneurysm, which led to the patient's death. The case resulted in a malpractice payment being made on Mr. Johnson's behalf.

Action: 05/28/2008. Public letter of concern issued.

HASSAN, Keith Lawrence, MD

Location: Delray Beach, FL | DOB: 04/01/1964
License #: 0000-34861 | Specialty: P/IM (as reported by physician)
Medical Ed: West Virginia University (1990)
Cause: A patient whose care was directed by a mid-level practitioner under Dr. Hassan's supervision did not receive adequate evaluation or treatment. This led to a malpractice payment being paid on Dr. Hassan's behalf.
Action: 05/21/2008. Public letter of concern issued.

REA, Gary Lynn, MD

Location: Columbus, OH | DOB: 04/04/1950
License #: 009901300 | Specialty: NS (as reported by physician)
Medical Ed: Baylor College of Medicine (1976)
Cause: Dr. Rea attempted a laminectomy at the T10-T11 level; however it was later learned that the procedure was actually performed at the T11-12 level and that the patient had an unrecognized extra lumbar vertebra. This case led a malpractice payment to be made on Dr. Rea's behalf.
Action: 05/28/2008. Public letter of concern issued.

TAHTAWI, Samira Said, MD

Location: Cary, NC (Wake Co) | DOB: 10/01/1971
License #: 200200813 | Specialty: OB/GYN (as reported by physician)
Medical Ed: Tufts University (1998)
Cause: A patient operated on by a member of Dr. Tahtawi's practice developed significant and severe post-operative complications while under Dr. Tahtawi's care. The Board is concerned that Dr. Tahtawi did not adequately evaluate and manage those complications.
Action: 06/27/2008. Public letter of concern issued.

COURT APPEALS/STAYS

NONE

CONSENT ORDERS LIFTED

CARBONE, Dominick John, Jr., MD

Location: Elkin, NC (Surry Co) | DOB: 08/09/1965
License #: 009700498 | Specialty: U (as reported by physician)
Medical Ed: University of Michigan Medical School (1990)
Action: 06/11/2008. Order issued lifting Consent Orders of February 21, 2007 and July 1, 2007.

CLARKE, Theresa Sharon, PA

Location: Clayton, NC (Johnston Co) | DOB: 01/15/1959
License #: 000103209
PA Education: NA
Action: 05/23/2008. Order issued lifting Consent Order of 01/23/2007.

DERBES, Linda Kaufman, MD

Location: Honolulu, HI | DOB: 01/29/1960
License #: 009500112 | Specialty: P (as reported by physician)
Medical Ed: University of South Florida College of Medicine (1990)
Action: 06/11/2008. Order issued lifting Consent Order of August 17, 2006.

FORTKORT, Peter Thomas, MD

Location: Shelby, NC (Cleveland Co) | DOB: 03/10/1962
License #: 009500577 | Specialty: IM (as reported by physician)
Medical Ed: Georgetown University (1991)
Action: 06/19/2008. Order issued lifting Consent Order of January 20, 2006.

GARDNER, James Eric, MD

Location: Colliersville, Tenn. | DOB: 09/18/1970
License #: 200200116 | Specialty: VS/GS (as reported by physician)
Medical Ed: University of Tennessee (1996)
Action: 06/11/2008. Order issued lifting Consent Order of December 19, 2006.

SMITH, Barbara Hollandsworth, MD

Location: Greensboro, NC (Guilford Co) | DOB: 12/03/1951
License #: 000029200 | Specialty: N/P (as reported by physician)
Medical Ed: University of North Carolina, Chapel Hill (1983)
Action: 06/27/2008. Order issued lifting Consent Order of February 19, 2008.

WEBB, Charles Marshall, MD

Location: Jacksonville, NC (Onslow Co) | DOB: 08/05/1952
License #: 200401607 | Specialty: OB/GYN (as reported by physician)
Medical Ed: Medical University of South Carolina (1981)
Action: 06/11/2008. Order issued lifting Consent Order of November 23, 2004.

WESSEL, Richard Frederick, MD

Location: Coinjock, NC (Currituck Co) | DOB: 01/24/1959
License #: 9600772 | Specialty: C/IM (as reported by physician)
Medical Ed: Eastern Virginia Medical School (1990)
Action: 06/03/2008. Order issued lifting Consent Orders of October 19, 2005 and November 1, 2006.

WHITMER, Gilbert Gomer, MD

Location: Fayetteville, NC (Cumberland Co) | DOB: 09/04/1961
License #: 000036854 | Specialty: OS (As reported by physician)
Medical Ed: Johns Hopkins University (1987)
Action: 06/03/2008. Order issued lifting Consent Orders of January 30, 2003, February 8, 2003 and August 9, 2005.

TEMPORARY/DATED LICENSES:**ISSUED, EXTENDED, EXPIRED, OR REPLACED BY FULL LICENSES****DISMISSALS**

NONE

REENTRY AGREEMENTS**ROGERS, William Everette, MD**

Location: Elm City, NC (Wilson Co) | DOB: 04/16/1950
License #: 2008-01089 | Specialty: Radiology (as reported by physician)
Medical Ed: Emory University (1977)
Cause: Dr. Rogers has not practiced clinical medicine since 1998.
Action: 06/25/2008. Reentry agreement executed: Dr. Rogers is issued a license to practice medicine and surgery. He shall have a physician colleague observe his practice of medicine for the first six months. The observer

shall deliver two letters to the Board, the first of which shall be submitted no later than 30 days following the first quarter after Dr. Rogers' resumption of practice, in which the observer describes in detail the level of Dr. Rogers' clinical skill and the nature of observations made. The second letter shall be delivered to the Board no later than 30 days after the observation period ends.

SMITH, Frances Li, PA-C

Location: Greenville, NC (Pitt Co) | DOB: 08/19/1958

License #: 000101296

PA Education: Medical College of Georgia (1989)

Cause: Ms. Smith has not been in active clinical practice since 1993.

Action: 05/09/2008. Reentry Agreement executed: Ms. Smith is issued a license. Ms. Smith shall have a supervising physician directly observe her practice of medicine for six months following her resumption of practice. The supervising physician shall deliver quarterly letters to the Board for one year, in which he or she shall describe in detail the nature of observations made and stating an opinion as to the clinical skills with which Ms. Smith practiced during the observation period.

See Consent Orders:

MAESTAS, Rebecca Amelia, PA