

NORTH CAROLINA MEDICAL BOARD
Board Orders/Consent Orders/Other Board Actions
January-February 2006

DEFINITIONS:

Annulment:

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

Conditions:

A term used in this report 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 the authorization to practice, or the conditions placed on the 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:

Final decision denying an application for practice authorization or a request for reconsideration/modification of a previous 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.

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

Stay:

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

Summary Suspension:

Immediate withdrawal of the 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 the 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 the 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

GILMER, Vince Donald

Location: Fletcher, NC (Henderson Co)
DOB: 9/05/1962
License #: 2000-01139
Specialty: FP (as reported by physician)
Medical Ed: University of South Alabama (1997)
Cause: Dr Gilmer was convicted of a felony in the case of *Commonwealth of Virginia v. Vince Donald Gilmer*, case number 05-0162.
Action: 1/11/2006. Entry of Revocation issued: Dr Gilmer's North Carolina medical license is revoked by operation of law as of 1/05/2006.

SUSPENSIONS

BROWN, Frank Joseph, MD

Location: Eatonton, GA
DOB: 11/05/1932
License #: 0000-18854
Specialty: NA
Medical Ed: Medical College of Georgia (1967)
Cause: The Georgia Board summarily suspended Dr Brown's Georgia medical license on finding that his practice posed a threat to the public.
Action: 2/23/2006. Findings of Fact, Conclusions of Law, and Order of Discipline issued following hearing on 2/16/2006: Dr Brown's North Carolina medical license is indefinitely suspended.

DANIEL, Brian Phillip, MD

Location: Nashville, TN
DOB: 9/25/1964
License #: 0094-00771
Specialty: IM (as reported by physician)
Medical Ed: Vanderbilt University School of Medicine (1991)
Cause: In August 2004, the Illinois Board and Dr Daniel entered a Consent Order based on information that he committed acts or omissions that constitute gross negligence.
Action: 2/07/2006. Findings of Fact, Conclusions of Law, and Order of Discipline issued following hearing on 8/17/2005: Dr Daniel's North Carolina medical license is suspended for six months, with suspension being stayed.

GROSSLING, Sergio Freudenburg, MD

Location: Irving, TX
DOB: 3/18/1929
License #: 0000-34618
Specialty: EM/GS (as reported by physician)
Medical Ed: University of Chile-Santiago (1954)
Cause: In December 2004, the Minnesota Board entered into a Stipulation Order wherein he surrendered his Minnesota medical license after he was charged with failing to properly treat two patients who later died. He denied the allegations. The Stipulation Order stated Dr Grossling suffered from a physical condition that impaired his ability to defend himself against the charges.
Action: 2/22/2006. Findings of Fact, Conclusions of Law, and Order of Discipline issued following hearing on 2/16/2006: Dr Grossling's North Carolina medical license is indefinitely suspended.

LA GRANGE, Charles Rex, MD

Location: Sun City, CA

DOB: 4/30/1928
License #: 0000-11739
Specialty: FP (as reported by physician)
Medical Ed: Loma Linda University (1956)
Cause: Dr La Grange admitted to having engaged in repeated negligent acts in violation of California law in regard to his treatment of a single patient. Although not her primary provider, he prescribed excessive amounts of medications and failed to maintain adequate and accurate records. He failed to inform her primary provider of his treatment of her and failed to refer her to a pain management specialist. The California Board revoked his California medical license in October 2004, the revocation was stayed, and he was placed on three years probation with a requirement he complete specific CME courses.
Action: 2/21/2006. Findings of Fact, Conclusions of Law, and Order of Discipline issued following hearing on 2/16/2006: Dr La Grange's North Carolina medical license is indefinitely suspended.

MERGNER, Klaus Dieter, MD

Location: Frankfurt, Germany
DOB: 7/30/1963
License #: 0095-01338
Specialty: IM/GE (as reported by physician)
Medical Ed: Heidelberg University, Germany (1989)
Cause: In November 2004, the Washington State Board entered into an Agreed Order with Dr Mergener in which he admitted using greater than reasonable force on a patient during a procedure. He was reprimanded and fined \$1,000.
Action: 2/13/2006. Findings of Fact, Conclusions of Law, and Order of Discipline issued following hearing on 8/17/2005: Dr Mergener's North Carolina medical license is suspended for six months, with suspension being stayed.

NWOSU, Okenwa R., MD

Location: Greenbelt, MD
DOB: 6/18/1946
License #: 0097-01836
Specialty: GS/GP (as reported by physician)
Medical Ed: Howard University (1975)
Cause: In October 2004, the Maryland Board and Dr Nwosu entered a Consent Order in which Dr Nwosu admitted engaging in immoral and unprofessional conduct, filing a false record, and making a willful misrepresentation in the treatment of a patient. His Maryland license was suspended for one year and he was required to complete an ethics course.
Action: 2/13/2006. Findings of Fact, Conclusions of Law, and Order of Discipline issued following hearing on 8/17/2005: Dr Nwosu's North Carolina medical license is suspended indefinitely; he may not reapply for license for a least one year.

REYNOLDS, Joel Crist, MD

Location: Edenton, NC (Chowan Co)
DOB: 8/06/1960
License #: 0099-00331
Specialty: US/GS (as reported by physician)
Medical Ed: Indiana University (1986)
Cause: Dr Reynolds received office samples of several drugs from drug representatives and used the medications himself. From 2003 to 2005, Dr Reynolds, who had diagnosed himself with hypogonadism, prescribed other medications for himself, and directed members of his staff to inject him with one or more steroidal drugs. In 2005, after the Board's investigation began, another urologist confirmed Dr Reynolds' diagnosis and treatment. Further, Dr Reynolds treated Patient A with several drugs, including hydrocodone, but did not perform an examination on her or keep a chart for her. Also, he did not keep a controlled substance log in accord with law. In September 2003, he was arrested for DWI. He pled guilty to DWI in October 2004.

Action: 2/27/2006. Findings of Fact, Conclusions of Law, and Order of Discipline issued following hearing on 2/16/2006: Dr Reynolds' North Carolina medical license is suspended for four months, suspension being stayed and Dr Reynolds being placed on probation; he shall satisfactorily complete CME courses on prescribing and on proper boundaries, and shall comply with all provisions of his contract with the NCPHP.

RITLAND, John Melvin, MD

Location: Flagstaff, AZ
DOB: 7/18/1955
License #: 0000-31631
Specialty: OB/GYN (as reported by physician)
Medical Ed: Loma Linda University (1981)
Cause: In February 2004, the Arizona Medical Board issued an Order for Revocation, Stayed with Probation, against Dr Ritland for boundary violations.
Action: 2/07/2006. Findings of Fact, Conclusions of Law, and Order of Discipline issued following hearing on 8/17/2005: Dr Ritland's North Carolina medical license is indefinitely suspended.

TATE, Larry Raymont, MD

Location: Worthington, OH
DOB: 3/28/1946
License #: 0000-23444
Specialty: FOP/ATP (as reported by physician)
Medical Ed: University of Michigan (1971)
Cause: In August 2004, Dr Tate was suspended by the Ohio Medical Center and ordered to report to Shepherd Hill Hospital for residential treatment. The Ohio Board summarily suspended his Ohio medical license after finding his continued practice presented a danger to the public.
Action: 2/13/2006. Findings of Fact, Conclusions of Law, and Order of Discipline issued following hearing on 8/17/2005: Dr Tate's North Carolina medical license is suspended indefinitely.

WATSON, David Gregory, MD

Location: San Antonio, TX
DOB: 2/23/1963
License #: 0095-00267
Specialty: EM (as reported by physician)
Medical Ed: University of California-Irvine (1993)
Cause: The Texas Board suspended Dr Watson's Texas medical license after he tested positive for cocaine.
Action: 2/13/2006. Findings of Fact, Conclusions of Law, and Order of Discipline issued following hearing on 8/17/2005: Dr Watson's North Carolina medical license is indefinitely suspended.

See Consent Orders:

AUGUSTUS, Carl Trent, MD
BERGER, Jeffrey Allen, MD
DERBES, Lawrence Joseph, MD
FORTKORT, Peter Thomas, MD
GARDNER, James Eric, MD
LACEY, Jami Rich, MD
RICARD, Denis Philip, Physician Assistant

SUMMARY SUSPENSIONS

BIZZELL, Aleecia Rich, Nurse Practitioner

Location: Winston-Salem, NC (Forsyth Co)
DOB: 2/23/1973
License #: 0002-01269
NP Education: Duke University (1999)

Cause: MS Bizzell may possess a mental or physical condition that renders her unable to function as a nurse practitioner as shown by the Board's Notice of Charges and Allegations, Notice of Hearing dated 12/20/2005.

Action: 12/20/2005. Order of Summary Suspension of Approval issued: Ms Bizzell's approval to perform medical acts, tasks, and functions is suspended on service of this Order.

CONSENT ORDERS

AUGUSTUS, Carl Trent, MD

Location: Charlotte, NC (Mecklenburg Co)

DOB: 1/22/1962

License #: 0096-01218

Specialty: IM (as reported by physician)

Medical Ed: Medical University of South Carolina (1989)

Cause: Dr Augustus established a physician-patient relationship with Patient A in 2004, and they became involved in a romantic, sexual relationship. In 2002, he established a physician-patient relationship with Patient B and he indicated his desire to begin an inappropriate relationship with Patient B.

Action: 2/26/2006. Consent Order executed: Dr Augustus' North Carolina medical license is suspended for two years beginning 3/2/2006; beginning 4/30/2006, suspension will be stayed and he will be put on probation on terms and conditions; he shall ensure a female chaperone who has read this Consent Order is present when he examines a female patient who is partially or fully undressed. The chaperone shall document her presence and that no boundary violations occurred; the "Principles of Medical Practice" shall be posted about his office; each month two staff members shall complete a "Staff Surveillance Form" to be forwarded to the Board; one week each quarter, he or his staff will ask his patients for that week to complete a "Patient Satisfaction Survey" to be forwarded to the Board; he shall maintain and abide by a contract with the NCPHP and shall permit random inspections of his office by Board investigators; must comply with other conditions.

BAHADORI, Reza, MD

Location: Raleigh, NC (Wake Co)

DOB: 5/22/1934

License #: 0000-32463

Specialty: GYN/FPG (as reported by physician)

Medical Ed: University of Tabriz, Iran (1961)

Cause: Dr Bahadori admits that on occasion he has asked explicit questions of some female patients. While he had no inappropriate intent, he now realizes those questions made his patients feel uncomfortable and were not medically indicated or necessary. Expert review of six of his patient charts found deficiencies in his management of all six patients, particularly regarding record-keeping practices. In at least one instance, he was found to have inaccurately charted that a patient suffered a miscarriage when she had not.

Action: 1/20/2006. Consent Order executed: Dr Bahadori shall retire from medical practice effective 4/01/2006, at which time his license will be placed on inactive status.

BERGER, Jeffrey Allen, MD

Location: Huntersville, NC (Mecklenburg Co)

DOB: 12/29/1969

License #: 0096-01227

Specialty: FP (as reported by physician)

Medical Ed: University of Kentucky (1995)

Cause: Between September 2001 and April 2003, Dr Berger prescribed about 11,225 units of Lortab® and about 33,800 units of Oxycontin® to Patient A. Dr Berger knew Patient A had a history of narcotic abuse and dependence, yet he failed to perform adequate review of his course of treatment or Patient A's compliance in medication use. Dr Berger noted at least once in the chart that he would refer the patient to a pain management specialist and cease prescribing for chronic pain.

But he reversed his treatment plan for no documented reason. On another occasion, Dr Berger noted in the chart that he would begin reducing the medication, but again reversed his plan for no documented reason. On one occasion, Patient A told Dr Berger he had given some of his pain medication to friends and on that occasion Dr Berger did not reauthorize Patient A's prescription early as Patient A requested. Dr Berger later suspected the drugs prescribed to Patient A were being diverted but Patient A denied it. Dr Berger failed to impose adequate safeguards against possible diversion. Patient A's pulmonologist told Dr Berger the patient was terminal with COPD and should be made comfortable, which understanding led Dr Berger to prescribe large amounts to Patient A. By the time Dr Berger realized Patient A was continuing to survive despite the COPD diagnosis, he was already prescribing large quantities of drugs. Stopping them could cause severe withdrawal. Dr Berger no longer has chronic pain management as part of his practice. He says this case is an isolated incident. He had only recently finished his residency when he began treating Patient A. A number of his colleagues have written attesting to Dr Berger's competence and professionalism.

Action: 2/16/2006. Consent Order executed: Dr Berger's North Carolina medical license is suspended for four months, which suspension is stayed on probationary conditions; he shall attend the Vanderbilt CME course on prescribing; until the prescribing course is successfully completed, he shall have a physician colleague review and countersign the chart whenever he issues a prescription for chronic pain; must comply with other conditions.

CASSIDY, John Francis, Physician Assistant

Location: Lenoir, NC (Caldwell Co)

DOB: 9/22/1962

License #: 0001-03164

PA Education: NA

Cause: On 7/23/2004, Mr Cassidy changed his address from Greenville, NC, to Lenoir, NC, and did not file an Intent to Practice form with the Board or otherwise disclose his primary supervising physician. It was learned by the Board that no Intent to Practice Form had even been filed with the Board designating Mr Cassidy's current supervising physician. He practiced as a PA even though he had not received an acknowledgement from the Board that a current Notification of Intent to Practice Form had been received as required.

Action: 1/18/2006. Consent Order executed: Mr Cassidy is reprimanded.

CHAMPION, Lawrence Andrew, MD

Location: Durham, NC (Durham, NC)

DOB: 3/24/1947

License #: 0000-19912

Specialty: P (as reported by physician)

Medical Ed: University of Wisconsin (1973)

Cause: In June 2004, Dr Champion was charged with driving under the influence and had a tested blood alcohol level of .22. In November 2004, he pled guilty to the DUI. He has successfully completed substance abuse treatment and has made excellent progress in addressing his use of alcohol. He has abstained from alcohol since June 2004.

Action: 1/20/2006. Non-Disciplinary Consent Order executed: No disciplinary action is imposed; Dr Champion shall, unless lawfully prescribed by someone else, refrain from the use of mind-or mood-altering substances, including alcohol, and he shall inform the Board within 10 days of such use, noting the prescriber and the pharmacy filling the prescription; at the Board's request, he shall supply bodily fluids or tissues to allow screening for use of such substances; he shall maintain and abide by a contract with the NCPHP; must comply with other conditions.

CREEF, Michael Seldon, MD

Location: Chesapeake, VA

DOB: 4/18/1956

Specialty: FP/EM (as reported by physician)

License #: 0000-39255

Medical Ed: Eastern Virginia (1987)

Cause: In July 2003, following a conference with Dr Creef about an allegation that he may have violated certain laws, the Virginia Board entered an Order requiring him to fulfill certain requirements. In July 2004, the Virginia Board entered a Consent Order with Dr Creef finding he had not fulfilled the obligations previously imposed on him and imposing certain restrictions on him. In October 2005, the Virginia Board entered an Order modifying the requirements imposed in 2004.

Action: 2/20/2006. Consent Order executed: Dr Creef is reprimanded.

CONIGLIO, Gerald Anthony, MD

Location: Mt Morris, NY
DOB: 5/21/1946
License #: 0000-33220
Specialty: OS/EM (as reported by physician)
Medical Ed: State University of New York, Buffalo (1972)
Cause: Nevada State Board of Medical Examiners denied Dr Coniglio's application for a Nevada medical license in June 2005.
Action: 1/31/2006. Consent Order executed: Dr Coniglio is reprimanded.

DERBES, Lawrence Joseph, MD

Location: High Point, NC (Guilford Co)
DOB: 7/30/1959
License #: 0098-01235
Specialty: IM (as reported by physician)
Medical Ed: Louisiana State University (1985)
Cause: Dr Derbes North Carolina medical license was made inactive on 7/20/1999. In September and October 2005, Dr Derbes wrote prescriptions for several controlled substances for a family member. It is unlawful to prescribe for another person unless properly licensed and registered.
Action: 1/30/2006. Consent Order executed: Dr Derbes inactive license is suspended for six months; suspension is stayed subject to conditions; should Dr Derbes obtain a North Carolina license, he shall comply with the Board's position statement relating to prescribing go family members; he shall maintain and abide by an NCPHP contract; must comply with other conditions.

DURRANCE, Donald William, MD

Location: Tampa, FL
DOB: 2/06/1956
License #: 0097-00535
Specialty: R (as reported by physician)
Medical Ed: University of South Florida (1981)
Cause: In July 2004, the Florida Board charged Dr Durrance with practicing below the standard of care in interpreting an X-ray in a report of 3/08/2002. He neither admitted nor denied the allegations, but he entered a Consent Order with the Florida Board in April 2005 in which he agreed to pay a fine, perform community service, obtain CME. He was issued a letter of concern.
Action: 2/27/2006. Consent Order executed: Dr Durrance is reprimanded.

ELAM, Curtis Jay, MD

Location: Madison, TN
DOB: 8/23/1959
License #: 0000-32492
Specialty: OB/GYN (as reported by physician)
Medical Ed: University of Tennessee (1985)
Cause: In an Agreed Order between Dr Elam and the Tennessee Board, he was found to have practiced below the standard of care on two occasions. His Tennessee license was placed on probation for two years, he was required to complete additional CME, and he was to pay a fine of \$4,000.
Action: 2/03/2006. Consent Order executed: Dr Elam is reprimanded.

FORTKORT, Peter Thomas, MD

Location: Charlotte, NC (Mecklenburg Co)

DOB: 3/10/1962
License #: 0095-00577
Specialty: IM (as reported by physician)
Medical Ed: Georgetown University (1991)
Cause: In or about 1999, Dr Fortkort established a physician-patient relationship with Patient A who sought his care for treatment of pain. He began writing numerous prescriptions for her and later for her husband at her request, though her husband was not Dr Fortkort's patient. For many of these prescriptions, there does not exist a medical record documenting the prescriptions or their justification. Before she became his patient, Dr Fortkort and Patient A developed a romantic relationship and this clouded his judgment about his prescribing to her and her husband. In October 2004, Patient A pled guilty to various drug crimes and received a 20 day jail sentence. Dr Fortkort has been evaluated by and received several weeks treatment at the Professional Renewal Center, during which time, from 10/21/2005 to the present, he had voluntarily ceased medical practice. The PRC has given its opinion he is fit to return to work.
Action: 1/20/2006. Consent Order executed: Dr Fortkort's North Carolina medical license is suspended for two years effective 10/21/2005; suspension is stayed as of the date of this Consent Order; the Board agrees that the time from 10/21/2005 to the present, the period Dr Fortkort has been out of practice, constitutes the period of active suspension; he shall continue any recommended therapeutic follow-up; within one year he shall attend the Vanderbilt University CME course on prescribing; he shall maintain and abide by a contract with the NCPHP.

FOSTER, Augustus Hunter, Jr, MD

Location: Sebring, FL
DOB: 4/08/1927
License #: 0000-11680
Specialty: EM/ABS (as reported by physician)
Medical Ed: Loma Linda University (1951)
Cause: Pursuant to a Consent Order of 4/21/2003, the Florida Board levied a fine against Dr Foster, ordered him to complete five hours of CME in emergency medicine within one year, and prohibited him from practice of emergency medicine unless he submits to a competency evaluation and appears before the Florida Board with the evaluation and recommendations. This action was based on the Board's learning Dr Foster had practiced below the standard of care in failing to follow up on ischemia identified in a patient. In August 2005, the Florida Board reprimanded Dr Foster and placed conditions on his license for failing to comply with the CME requirements set in the previous Consent Order. He was given one more year to achieve the required CME.
Action: 1/24/2006. Consent Order executed: Dr Foster is reprimanded; he shall comply in all respects with the Florida Consent Order of 2003 and the Order of 2005; must comply with other conditions.

GARDNER, James Eric, MD

Location: Pinehurst, NC (Moore Co)
DOB: 9/18/1970
License #: 2002-00116
Specialty: VS/GS (as reported by physician)
Medical Ed: University of Tennessee (1996)
Cause: Dr Gardner has had a problem with substance abuse, which has involved inappropriate prescribing and prescribing to himself. He surrendered his North Carolina medical license in September 2005. He has completed residential treatment and is a participant in the NCPHP.
Action: 1/20/2006. Consent Order executed: Dr Gardner's North Carolina medical license is suspended indefinitely.

GENTRY, James Henry, MD

Location: Raleigh, NC (Wake Co)
DOB: 6/22/1930
License #: 2003-00789

Specialty: OPH (as reported by physician)
Medical Ed: University of Colorado School of Medicine (1955)
Cause: In 2003, Dr Gentry allowed his Colorado medical license to go inactive. Colorado requires anyone who goes inactive for two years or more to be examined by the Center for Personalized Education for Professionals in that state prior to reinstatement. When Dr Gentry applied for reinstatement, he was given the choice to be examined by the CPEP or agree not to perform surgery as part of his medical practice. In August 2005, he signed an agreement with the Colorado Board wherein his license was reinstated and he agreed not to perform surgery. He plans to spend part of the year in North Carolina and part in Colorado. The North Carolina Board wishes to act in keeping with the Colorado action.
Action: 1/12/2006. Non-Disciplinary Consent Order executed: Dr Gentry agrees not to perform surgery as part of his medical practice.

GUALTEROS, Oscar Mauricio, MD

Location: Southern Pines, NC (Moore Co)
DOB: 5/11/1964
License #: 0099-00236
Specialty: IM (as reported by physician)
Medical Ed: University of Navarra, Spain (1991)
Cause: In November 2000, Dr Gualteros and the Board entered into a Consent Order based on a finding that he had inappropriate physical contact with patients. In June 2001, he entered into another Consent Order with the Board based on a finding that he had improperly touched a female nurse and requiring him to have a chaperone present during all encounters with female patients. In 2005, he had an inappropriate and unprofessional interaction with a female patient, including inappropriate physical contact. He has reported to the NCPHP and has undergone professional counseling and treatment. He agrees to fully comply with the chaperone requirements of his previous Consent Orders as he closes his practice.
Action: 1/20/2006. Consent Order executed: Dr Gualteros is issued a license to practice to expire 2/17/2006; Dr Gualteros surrenders his North Carolina medical license as of 2/18/2006; he will close his practice in an orderly and professional manner.

HARDY, Stephen Carl, MD

Location: Weddington, NC (Mecklenburg Co)
DOB: 7/11/1957
License #: 0000-35911
Specialty: N (as reported by physician)
Medical Ed: University of Virginia (1985)
Cause: On application for reinstatement of license. In February 2004, Dr Hardy retired from practice and placed his license on inactive status. He suffered from clinical depression and chemical dependency following his divorce. He has been successfully treated for these disorders and has a contract with the NCPHP, which reports he has complied with the contract and is healthy to practice medicine.
Action: 1/09/2006. Consent Order executed: Dr Hardy's North Carolina medical license is reinstated to expire on the date shown thereon [5/09/2006]; unless lawfully prescribed by someone else, he shall refrain from the use of mind-or mood-altering substances, and he shall inform the Board within 10 days of such use, noting the prescriber and the pharmacy filling the prescription; at the Board's request, he shall supply bodily fluids or tissues to allow screening for use of such substances; he shall maintain and abide by a contract with the NCPHP; he shall not register with the DEA to handle controlled substances until the Board endorses his application for registration; must comply with other conditions.

IRVIN, John David, MD

Location: Wilmington, NC (New Hanover Co)
DOB: 4/02/1952
License #: 0094-01419
Specialty: FP (as reported by physician)

Medical Ed: Case Western Reserve University (1979)
Cause: Between April 2003 and August 2005, Dr Irvin wrote prescriptions for controlled substances for a family member. He failed to record all these prescriptions in the patient chart. Prescribing for family members and failing to keep medical records is inappropriate.
Action: 1/20/2006. Non-Disciplinary Consent Order executed: No disciplinary action is imposed; Dr Irvin shall strictly comply with the Board's Position Statements on "Self-Treatment and Treatment of Family Members . . .," "Writing of Prescriptions," and "Medical Record Documentation."

LACEY, Jami Rich, MD

Location: Greensboro, NC (Guilford Co)
DOB: 10/15/1969
License #: 2003-00168
Specialty: FP/EM (as reported by physician)
Medical Ed: Medical College of Georgia (1998)
Cause: In February 2005, the Georgia Board indefinitely Dr Lacey's Georgia medical license. In March 2005, the Virginia Board suspended Dr Lacey's Virginia medical license.
Action: 2/03/2006. Consent Order executed: Dr Lacey's North Carolina medical license is suspended indefinitely.

LERNER, Don Neal, MD

Location: Jacksonville, FL
DOB: 5/16/1956
License #: 0097-00093
Specialty: OTO (as reported by physician)
Medical Ed: University of Miami School of Medicine (1988)
Cause: On 4/12/2005, the Florida Board of Medicine issued a Final Order adopting a counter Consent Agreement with Dr Lerner whereby he was fined and required to perform community service on allegations, which he neither admitted nor denied, that he had written a prescription for himself using a false name.
Action: 1/25/2006. Consent Order executed: Dr Lerner is reprimanded.

LILLY, Josiah Kenneth, III, MD

Location: Charleston, WV
DOB: 4/03/1945
License #: 0000-34876
Specialty: APN/AM (as reported by physician)
Medical Ed: West Virginia University (1971)
Cause: In June 2005, the West Virginia Board of Medicine entered a Consent Order reprimanding Dr Lilly for unprofessional conduct for allowing a child, without patient consent, to witness a medical procedure he was performing, though the conduct was unintentional.
Action: 1/31/2006. Consent Order executed: Dr Lilly is reprimanded.

LONGAS, Philip Lee, MD

Location: Atlanta, GA
DOB: 10/19/1964
License #: 2006-00127
Specialty: IM (as reported by physician)
Medical Ed: East Tennessee State University (1995)
Cause: Dr Longas is licensed in Tennessee, but has not practiced since September 2002 and requires a reentry program. He has a history of substance abuse and dependence dating to 1990 or before and reports a sobriety date of October 2002. The Tennessee Board revoked his license in July 2003 and granted him a conditional license in December 2004. He has entered a contract with the NCPHP, which reports he has been compliant.
Action: 2/02/2006. Consent Order executed: Dr Longas is issued a license to expire on the date shown on the license [6/02/2006]; he shall arrange to have a colleague observe his practice for the first year after resuming practice; the observing physician shall send the Board periodic letters reporting on

Dr Longas' skill and performance; unless lawfully prescribed by someone else, he shall refrain from the use of mind-or mood-altering substances, including alcohol, and he shall inform the Board within 10 days of such use, noting the prescriber and the pharmacy filling the prescription; at the Board's request, he shall supply bodily fluids or tissues to allow screening for use of such substances; he shall maintain and abide by a contract with the NCPHP; must comply with other conditions.

NEWBROUGH, David Chester, Physician Assistant

Location: Elizabeth City, NC (Pasquotank Co)
DOB: 10/29/1945
License #: 0001-00258
PA Education: Bowman Gray (1977)
Cause: It was discovered during a random site visit on 9/26/2005 that Mr Newbrough had not filed a Notification of Intent to Practice Form since his former primary supervising physician had left the practice on or about 5/01/2005. He had also failed to file a Notification of Intent to Practice Form for his volunteer practice at the Community Care Clinic. It was also learned that no Notification of Intent to Practice Form had even been filed with the Board designating either of Mr Newbrough's current supervising physicians. During the same site visit, he could not produce a current list of backup physicians or documentation of CME credits obtained in the past two years. During an interview on 9/27/2005, he admitted he failed to meet with his supervising physician for a quality improvement meeting and had inadvertently violated the prescribing restriction limiting PA-written prescriptions to a 30 day supply of Schedule II, IIN, II, or IIIN controlled substances. He has now addressed all the documentation deficiencies of his supervisory arrangements.
Action: 1/25/2006. Consent Order executed: Mr Newbrough is reprimanded.

OLSEN, Thomas George, MD

Location: Dayton, OH
DOB: 7/11/1946
License #: 2004-00152
Specialty: D/DMP (as reported by physician)
Medical Ed: Indiana University School of Medicine (1972)
Cause: On or about 6/08/2005, Dr Olsen and the State Medical Board of Ohio signed a Consent Agreement in which Dr Olsen admitted submitting a false statement understating his income and failing to advise the Ohio Board that he had been found guilty of Driving Under the Influence of Alcohol or Drugs. Dr Olsen agreed that his license would be reprimanded and subject to probation for three years, he would perform 600 hours of community service providing free patient visits, he would complete an ethics course, and he would fulfill other obligations.
Action: 1/25/2006. Consent Order executed: Dr Olsen is reprimanded.

POLO, James Michael, MD

Location: New Bern, NC (Craven Co)
DOB: 5/18/1963
License #: 0099-00647
Specialty: D (as reported by physician)
Medical Ed: U. S. University of Health Sciences (1990)
Cause: In November 2003, Dr Polo ordered two vials of Botox made by Toxin Research International (called Tri-tox hereafter). Toxin Research International marketed the product to physicians practicing cosmetic medicine and Dr Polo says he was told by a representative of the company that Tri-tox was safe and being used on humans. In fact, Tri-tox was not and has not been approved for human use by the FDA and it was labeled "For Research Purposes Only: Not For Human Use." After receiving the Tri-tox, Dr Polo tested it on himself and experienced no problem. He then administered it to several patients, including a family member. Only one patient was aware the Tri-tox was not FDA approved. By administering Tri-tox to patients without first informing them the product was not FDA approved and by using an inadequate consent form for one patient, Dr Polo engaged in unprofessional conduct. By providing medical treatment for himself and a

family member, he also engaged in unprofessional conduct. All involved patients have now been informed and none has indicated a problem.

Action: 1/12/2006. Consent Order executed: Dr Polo is reprimanded.

RICARD, Denis Philip, Physician Assistant

Location: Pembroke, NC (Robeson Co)

DOB: 6/15/1956

License #: 0001-01360

PA Education: Bowman Gray (1990)

Cause: Mr Ricard continued to issue prescriptions to a patient in spite of the fact his supervising physician had directed him to cease prescribing to her as of October 2004. He also failed to make any entry in the patient's records regarding prescriptions written between October 2004 and February 2005, at which time his supervising physician discovered the medications were still being prescribed.

Action: 2/16/2006. Consent Order executed: Mr Richard's PA license is suspended for six months, suspension being stayed on terms and conditions; he shall complete an in-person CME course on prescribing and until that is done his supervising physician shall review and countersign all his charts in which Schedule II or III drugs are prescribed; he shall improve his keeping of medical records; he shall keep a log of all controlled substances he prescribes, orders or administers and submit a copy to the Board for one year; he shall obtain written approval by the president of the Board before engaging in practice with any additional primary supervising physician; must comply with other conditions.

ROULHAC, Maurice Raynard, MD

Location: Fayetteville, NC (Cumberland Co)

DOB: 2/26/1962

License #: 0093-00304

Specialty: VS/GS (as reported by physician)

Medical Ed: University of South Florida (1987)

Cause: Dr Roulhac pre-signed prescription blanks and left them with members of his staff for use by one of his staff members. When he determined a patient needed a prescription, he would instruct the staff member to complete the pre-signed blank and give it to the patient. He discontinued this practice when a former staff member mentioned it was unlawful and threatened to report him. He asserts he never authorized his staff to use the pre-signed blanks without checking with him each time.

Action: 1/20/2006. Consent Order executed: Dr Roulhac is reprimanded; he shall comply with the Board's Position Statement on "Writing of Prescriptions."

SAPPINGTON, John Shannon, MD

Location: Linville, NC (Avery Co)

DOB: 1/30/1962

License #: 0094-00628

Specialty: P/CHP (as reported by physician)

Medical Ed: University of Texas-Houston (1989)

Cause: Dr Sappington has a history of substance abuse. His North Carolina medical license was suspended on 12/19/2002. On two occasions in 2003, he inappropriately obtained Ritalin® by altering a prescription for Prozac® issued him by another physician. Subsequently, he successfully completed a long-term residential treatment at the Farley Center and is now receiving medical treatment for ADHD. He continues to be suspended.

Action: 2/17/2006. Consent Order executed: Dr Sappington is reprimanded; unless lawfully prescribed by someone else, he shall refrain from the use of mind-or mood-altering substances and all controlled substances, and he shall inform the Board within 10 days of such use, noting the prescriber and the pharmacy filling the prescription; at the Board's request, he shall supply bodily fluids or tissues to allow screening for use of such substances; he shall strictly adhere to the Board's position statement on self-treatment; must comply with other conditions.

SCOTT, Duncan R. Campbell, II, MD

Location: Asheville, NC (Buncombe Co)
DOB: 1/27/1958
License #: 0098-01052
Specialty: AN/APN (as reported by physician)
Medical Ed: Medical University of South Carolina (1993)
Cause: In or around 1998 or 1999, Dr Scott treated Patient A for severe back pain, writing numerous prescriptions for Schedule II substances. He did not keep an accurate patient chart for Patient A and did not keep accurate records of the prescriptions written.
Action: 1/18/2006. Consent Order executed: Dr Scott is reprimanded; he agrees to attend a prescribing course within six months and furnish proof of his attendance to the Board.

SWEET, Amanda Jayne, Physician Assistant

Location: Raleigh, NC (Wake Co)
DOB: 11/17/1975
License #: 0010-00409
PA Education: James Madison University (2005)
Cause: Ms Sweet pled no contest to a misdemeanor charge of uttering a forged prescription in California in September 2001. She received a three-year sentence of probation. On completion of the probationary period, the court set aside the conviction, allowing a plea of not guilty, and dismissing the original complaint.
Action: 2/22/2006. Consent Order executed: Ms Sweet is reprimanded.

TAYLOR, Jeffrey Scott, MD

Location: Raleigh, NC (Wake Co)
DOB: 3/31/1946
License #: 0000-27322
Specialty: NA
Medical Ed: University of Illinois (1977)
Cause: From June 2003 to September 2004, Dr Taylor prescribed for Patient A, a very close friend and regular patient, whose primary physician had prescribed the same medication for Patient A for chronic back pain. Between January and May 2004, he prescribed for Patient B, a family member, without performing an examination or keeping a chart. In November 2003, he prescribed for Patient C, another family member. He also prescribed medications for himself, one of which has been prescribed for him previously by his physician. He denies, and the Board has no evidence, that he was diverting any of the prescriptions written for Patients A, B, C, or himself. He was not aware of the Board's position statement on self-prescribing or treating and prescribing for family members or those with whom significant emotional relationships exist.
Action: 2/17/2006. Consent Order executed: Dr Taylor is reprimanded; he shall attend a CME course on prescribing approved by the president of the Board within six months

TIRONA, Francisco P., MD

Location: Sanford, NC (Lee Co)
DOB: 1/29/1967
License #: 0098-01786
Specialty: IM (as reported by physician)
Medical Ed: University of Santo Thomas, Philippines (1991)
Cause: Between May and September 2004, Dr Tirona prescribed Percocet® and Xanax® to a patient but did not document the prescriptions in the patient's chart describing the patient's history, diagnosis, etc. On September 30, 2004, he prescribed Percocet® to the patient on the prescription blank of a clinic at which he no longer worked and that prescription was not documented in the patient's chart.
Action: 1/20/2006. Consent Order executed: Dr Tirona is reprimanded; he shall comply with the Board's Position Statement on "Medical Record Documentation"; must comply with other conditions.

WHITE, Steven William, Physician Assistant

Location: Cameron, NC (Harnett Co)
DOB: 12/19/1962
License #: 0001-02116
PA Education: Midwestern University (1996)
Cause: Mr White entered a Consent Order with the Board on 12/03/2003, and that Consent Order was amended on 12/13/2004. Under a Consent Order of 6/01/2005, he agreed to obtain an assessment prior to 9/21/2005 at a center dedicated to the health of health care practitioners and to enter and maintain a contract with the NCPHP. He met with the Board in September 2005 and the Board authorized an amendment to the 6/01/2005 Consent Order due to his having obtained the required assessment.
Action: 1/13/2006. Amended Consent Order executed: Mr White must contract with the NCPHP and abide by that contract; he is issued a license to expire on the date shown on the license [3/31/2006]; he shall appear for an informal interview with the Board in March 2006; all other terms, conditions, and provisions of the numbered paragraphs of the 12/03/2003 Consent Order remain in effect.

WHITNEY, Douglas Terry, Physician Assistant

Location: Fort Bragg, NC (Cumberland Co)
DOB: 1/14/1947
License #: 0001-00152
PA Education: Bowman Gray (1976)
Cause: On 10/08/2004, the New York Board for Professional Medical Conduct entered a Consent Order with Mr Whitney in which he agreed not to contest four charges of professional misconduct concerning practicing beyond the scope of practice allowed by law and failing to maintain adequate records. He agreed to a censure and reprimand, a fine, and conditions on his license.
Action: 1/20/2006. Consent Order executed: Mr Whitney is reprimanded.

WITTICH, Arthur Clifford, DO

Location: Ft. Belvoir, VA
DOB: 10/25/1938
License #: 0000-36077
Specialty: OB/GYN (as reported by physician)
Medical Ed: Iowa College of Osteopathic Medicine (1971)
Cause: In April 2005, the Colorado Board issued a letter of admonition, without a hearing, regarding Dr Wittich's management of the delivery of a newborn who later died. Dr Wittich maintains he provided adequate care.
Action: 2/13/2006. Consent Order executed: Dr Wittich is reprimanded as a result of the letter from the Colorado Board.

YANUCK, Michael David, MD

Location: Palm Harbor, FL
DOB: 8/10/1962
License #: 2006-00003
Specialty: FP (as reported by physician)
Medical Ed: Albany Medical College (1987)
Cause: On application for a license. Dr Yanuck is now licensed in Florida. He has not practiced clinical medicine since 1999 and does not intend to return to clinical practice at this time. He plans to practice only in an administrative setting, consulting in a non-clinical situation.
Action: 1/06/2006. Non-Disciplinary Consent Order executed: Dr Yanuck is granted an administrative medical license that requires he limit his practice to administrative medicine only.

MISCELLANEOUS ACTIONS

NONE

DENIALS OF RECONSIDERATION/MODIFICATION

NONE

DENIALS OF LICENSE/APPROVAL

POLITI, Barry Joseph, MD

Location: Jackson, MS
DOB: 6/13/1968
License #: None
Specialty: OM (as reported by physician)
Medical Ed: St George's University (1998)
Cause: Dr Politi failed to satisfy the Board of his qualifications for a North Carolina medical license. The state of Ohio took action against him and denied his license there for answering one or more application questions falsely.
Action: 2/28/2006. Letter issued denying Dr Politi's application for a North Carolina license. [He requested a hearing on this matter on 3/08/2006.]

SURRENDERS

BASAMANIA, Beth P., MD

Location: Chapel Hill, NC (Orange Co)
DOB: 3/31/1963
License #: 0099-00323
Specialty: FP (as reported by physician)
Medical Ed: George Washington University Medical School (1990)
Action: 2/17/2006. Voluntary surrender of North Carolina medical license.

De GREGORIO, Peter Anthony, MD

Location: Sneads Ferry, NC (Onslow Co)
DOB: 6/01/1943
License #: 0000-38755
Specialty: IM (as reported by physician)
Medical Ed: Columbia University (1969)
Action: 2/28/2006. Voluntary surrender of North Carolina medical license.

PRESNELL, Tammy Murrelle, Physician Assistant

Location: Reidsville, NC (Rockingham Co)
DOB: 7/18/1960
License #: 0001-03613
PA Education: East Carolina University (2002)
Action: 2/15/2006. Voluntary surrender of North Carolina PA license.

See Consent Orders:

GUALTEROS, Oscar Mauricio, MD

COURT APPEALS/STAYS

NONE

CONSENT ORDERS LIFTED

BOZEMAN, Elizabeth Ribadeneyra, MD

Location: Winston-Salem, NC (Forsyth Co)
DOB: 1/01/1961
License #: 2005-00795
Specialty: FP (as reported by physician)
Medical Ed: University of South Carolina School of Medicine (1991)

Action: 1/26/2006. Order issued lifting Consent Order of 5/02/2005.

TEMPORARY/DATED LICENSES:

ISSUED, EXTENDED, EXPIRED, OR REPLACED BY FULL LICENSES

BREWER, Thomas Edmund, MD

Location: Denton, NC (Davidson Co)
DOB: 11/04/1956
License #: 0000-28141
Specialty: GP/EM (as reported by physician)
Medical Ed: Wake Forest University School of Medicine (1983)
Action: 1/31/2006. Temporary/dated license extended to expire 2/28/2006.

EATON, Hubert Arthur, Jr, MD

Location: Wilmington, NC (New Hanover Co)
DOB: 5/25/1943
License #: 0000-17858
Specialty: IM (as reported by physician)
Medical Ed: Meharry Medical College School of Medicine (1969)
Action: 1/19/2006. Temporary/dated license extended to expire 9/30/2006.

LAVINE, Gary Harold, MD

Location: New Bern, NC (Craven Co)
DOB: 11/04/1964
License #: 2001-00403
Specialty: EM (as reported by physician)
Medical Ed: University of South Alabama (1989)
Action: 1/19/2006. Full and unrestricted medical license issued.

McCLELLAND, Scott Richard, DO

Location: Wilmington, NC (New Hanover Co)
DOB: 7/19/1948
License #: 0000-29064
Specialty: P (as reported by physician)
Medical Ed: Kirksville College of Osteopathic Medicine (1980)
Action: 1/19/2006. Full and unrestricted medical license issued.

SMITH, David Lewis, Physician Assistant

Location: La Grange, NC (Lenoir Co)
DOB: 9/19/1951
License #: 0001-01503
PA Education: Alderson Broaddus (1992)
Action: 1/19/2006. Temporary/dated license extended to expire 7/31/2006.

WADDELL, Roger Dale, MD

Location: Aberdeen, NC (Moore Co)
DOB: 11/17/1954
License #: 0000-30105
Specialty: GP (as reported by physician)
Medical Ed: University of Colorado School of Medicine (1981)
Action: 1/19/2006. Temporary/dated license extended to expire 9/30/2006.

See Consent Orders:

GUALTEROS, Oscar Mauricio, MD

HARDY, Stephen Carl, MD

LONGAS, Philip Lee, MD

WHITE, Steven William, Physician Assistant

REENTRY AGREEMENTS

BILHORN, Denise Holloman, MD

Location: Hickory, NC (Catawba Co)
DOB: 9/22/1954
License #: 2006-00001
Specialty: OB/GYN (as reported by physician)
Medical Ed: University of North Carolina School of Medicine (1981)
Cause: On application for a North Carolina medical license. Dr Bilhorn has not practiced clinical medicine since June 1994. Her CME is current and she agrees to undertake a reentry program. She has been licensed in Minnesota since 1982 and has secured a position with A Woman's View Clinic in Hickory.
Action: 1/03/2006. Reentry Agreement and Order executed: Dr Bilhorn is issued a North Carolina medical license; she shall arrange to have a physician colleague observe her practice for the first year and deliver to the Board three letters at specific times during the observation period reporting on the nature of the observations made and an opinion of Dr Bilhorn's skills; she shall meet with the Board in July 2006 to discuss her transition back in practice.

CASHION, Sandra Elise, Physician Assistant

Location: Cary, NC (Wake Co)
DOB: 9/07/1962
License #: 0001-00883
PA Education: Bowman Gray (1995)
Cause: On application for a North Carolina PA license. Ms Cashion has not practiced as a PA since October 2003. Her CME is current and she agrees to undertake a reentry program.
Action: 1/05/2006. Reentry Agreement and Order executed: Ms Cashion is issued a North Carolina PA license; she shall arrange to have her supervising physician observe her practice for six months and deliver monthly evaluations to the Board describing the observations made and an opinion as to her skills; she shall meet with the Board if and when requested to discuss her transition to practice.

HESS, Philip Joseph, MD

Location: Charlotte, NC (Mecklenburg Co)
DOB: 5/22/1938
License #: 0000-21661
Specialty: CDS/TS (as reported by physician)
Medical Ed: Ohio State University College of Medicine and Public Health (1968)
Cause: On application to reactivate his North Carolina medical license, which became inactive in September 2000. He has been out of active practice in the interim and had laser surgery on both eyes in July 2005. He has agreed to undertake a reentry program.
Action: 1/03/2006. Reentry Agreement and Order executed: Dr Hess is issued a North Carolina medical license; he shall arrange to have a physician colleague observe his practice for the first six months and deliver to the Board a report within 30 days of the end of that period describing the observations made and assessing Dr Hess' clinical skills; he shall inform the Board's Director of Investigations when he is scheduled to begin practice and arrange an informal interview to occur six months after that date; he shall not perform surgery as the primary physician, but if his observing physician feels it is safe to do so, he may perform surgery as an assisting physician.

TINSLEY, Ellis Allan, Sr, MD

Location: Wrightsville Beach, NC (New Hanover Co)
DOB: 1/21/1934
License #: 0000-15373
Specialty: GS/TS (as reported by physician)
Medical Ed: Vanderbilt University School of Medicine (1959)

Cause: On application for reissuance of license. Dr Tinsley has not practiced medicine since April 2002. His license became inactive in February 2005.

Action: 2/04/2006. Reentry Agreement and Order executed: The Board shall issue Dr Tinsley a full and unrestricted license; he shall arrange to have his practice observed by a physician colleague for the first six months following resumption of practice; the observer shall report his or her evaluative findings to the Board at the end of the six-month period; Dr Tinsley shall obtain practice site approval from the president of the Board, which the president is under no obligation to give; Dr Tinsley will report to the Board any change in his practice address; he must meet with the Board as requested.

DISMISSALS

AHMAD, Nasiha, MD

Location: Carrollton, TX
DOB: 3/15/1947
License #: 0000-28916
Specialty: OB/GYN (as reported by physician)
Medical Ed: Dacca-Bangladesh (1970)
Cause: Dr Ahmad now has proven she has completed the required CME for 2002, 2003, 2004.
Action: 2/21/2006. Order Dismissing Charges issued: The charges of August 2005 against Dr Ahmad concerning her failure to complete required CME are voluntarily dismissed.

RODEZNO, Robert Vincent, Physician Assistant

Location: Newport, NC (Carteret Co)
DOB: 7/29/1955
License #: 0001-02233
PA Education: Naval School of Health and Science (1993)
Cause: Death of subject.
Action: 1/06/2006. Order issued: Notice of Charges and Allegations of 10/28/2004 against Mr Rodezno is dismissed without prejudice; Order of Summary Suspension of 12/16/2004 is terminated.

SMITH, Forrest Owen, MD

Location: Pleasanton, CA
DOB: 1/27/1939
License #: 0000-19035
Specialty: OB/GYN (as reported by physician)
Medical Ed: Duke University School of Medicine (1970)
Cause: Dr Smith now has proven he has completed the required CME for 2002, 2003, 2004.
Action: 2/21/2006. Order Dismissing Charges issued: The charges of September 2005 against Dr Smith concerning his failure to complete required CME are voluntarily dismissed.