

CALL TO ORDER

John T. Daniel, MD, President of the Board of Medical Examiners of the State of North Carolina, called the meeting to order on November 28, 1990, at 7:30 p.m.

The Board members present at this meeting included: John T. Daniel, M.D., President; Nicholas E. Stratas, M.D., Secretary; Eben Alexander, Jr., M.D.; Hector H. Henry, II, M.D.; John W. Nance, M.D.; F.M. Simmons Patterson, Jr., M.D.; and Mrs. Kathryn H. Willis.

Staff members present were: Bryant D. Paris, Jr.; Donald R. Pittman; William H. Breeze, Jr.; Robert J. Broyles; L. D. Beaver; Edmund Kirby-Smith; Kathy Burke; and Betty Ann Preston.

NP SUBCOMMITTEE

The Board adopted a motion to adopt all recommendations of the NP Subcommittee.

MEETING SCHEDULE

On November 29, 1990, the Board adopted a motion to reschedule the May 1991 meeting for May 22-26, 1991.

DEPARTMENT OF CORRECTIONS - STANDING ORDERS

On November 29, 1990, the Board adopted a motion made by Dr. Patterson and seconded by Dr. Godwin that the Board agrees with its letter of September 27, 1990, written to Randall Best, MD, Medical Director, Department of Correction, 831 West Morgan Street, Raleigh, NC, regarding standing orders in the Department of Correction. It was not the Board's intention to say that the care of prisoners was any different than care provided to the general public. The Board does not have any statutory responsibility for nurses except for nurse practitioners.

PAYMENT OF FEES FOR EXPERT WITNESSES

On November 29, 1990, the Board unanimously adopted a motion made by Dr. Stratas and seconded by Dr. Patterson that the Board pay up to \$125 per hour for an "expert" to review files, charts, etc.

SUBPOENA OF PATIENT RECORDS

On November 29, 1990, Mr. Weddington and the Board discussed the incident whereby the attorney for UNC Hospital stated that the Board does not have authority to subpoena records because of their confidentiality.

The Board unanimously adopted a motion made by Dr. Godwin and seconded by Dr. Stratas that Mr. Weddington meet with the Attorney General's office and explore the possibility of getting an interpretation of the statute in this regard and then proceed with getting the statute changed if necessary.

RETIRING PHYSICIANS

On November 29, 1990, the Board adopted a motion made by Dr. Stratas and seconded by Mrs. Willis that all applicants, whether they are retiring to North Carolina or otherwise, are to be treated the same; that age should not be a factor; that morals should be a factor; competence should be a factor; physical/mental limitations should be a factor and drug/alcohol abuse should be a factor.

The Board also adopted a motion made by Dr. Stratas and seconded by Dr. Alexander that the Board not publish a physician's name who has retired if said physician has requested that it not be.

ORTHOPAEDIC SURGERY QUESTION

On November 29, 1990, the Board adopted a motion made by Dr. Godwin and seconded by Dr. Stratas that Dr. Roufail draft an opinion regarding the use of non-PA or non-NP first assistants in surgery.

NORTH CAROLINA MEDICAL SOCIETY MEETING

On November 28, 1990, Dr. Stratas reported on the recent meeting of the North Carolina Medical Society.

One resolution passed by the Medical Society attempted to seek an amendment of the Board's licensure application and biennial registration in order to require collection of the following information: practice location, residency status, non-active physician identification, medical school and residency, practice activity and practice setting. The Board adopted a motion made by Dr. Stratas and seconded by Dr. Alexander that Mr. Paris review this matter and provide the Board with a proposal.

Mr. Paris recommended that if the request for this type information be included on the registration form that a statement be added to indicate that items listed below are for statistical analysis only.

A copy of the North Carolina Medical Society report was submitted for the Board's review.

MITCHELL-YANCEY MEDICAL SOCIETY MEETING

On November 28, 1990, Dr. Stratas reported on the Mitchell-Yancey Component Medical Society meeting held on October 25, 1990. Mr. Paris and Mr. Kirby-Smith also attended the meeting. Dr. Stratas submitted for the Board's review the following points which were developed during the meeting:

1. The Board's positions need to be more public and accessible.
2. The Board's informal process needs to be carefully scrutinized to insure that adequate data is collected prior to formal actions and even prior to the Board informally asking physicians to surrender portions of their DEA privileges.
3. The Board's process in interacting with physicians needs to be humanized without jeopardizing the mandate to protect the public.
4. The Board must make sure that it responds to letters from physicians. If the Board receives something for information, it should acknowledge that in writing to the physician.

On November 28, 1990, the Board adopted a motion made by Dr. Stratas and seconded by Dr. Godwin that the Board accept the report as information and implement to the best of its ability the four items listed above.

DATA REQUEST - Commonwealth Health Alliance, Inc.

On November 29, 1990, the Board adopted a motion made by Dr. Stratas and seconded by Dr. Patterson that the Board deny the request for data.

DATA REQUEST - NC Office of Rural Health Services

On November 29, 1990, the Board adopted a motion made by Dr. Patterson and seconded by Dr. Godwin that the Board approve the request for data and the Mr. Paris inform the Medical Society that the request from the Office of Rural Health Services was approved.

DATA REQUEST - Coastal Plain Hospital

On November 29, 1990, the Board adopted a motion made by Dr. Patterson and seconded by Dr. Godwin to deny the request for data.

PROCEDURE ON FILLING BOARD POSITION

On November 29, 1990, Mr. Weddington met with the Board to discuss the vacancy on the

Board created by Dr. Henry's reserve unit being activated for military service in the Persian Gulf. The Board adopted a motion made by D. Daniel and seconded by Dr. Patterson that the Board ask Dr. Alexander to continue serving on the Board. Dr. Alexander agreed to do this. The Board also adopted a motion made by Dr. Godwin and seconded by Dr. Stratas that the President of the Board contact the President and President-Elect of the Medical Society in this regard.

ADJOURNMENT

The meeting was adjourned on December 1, 1990.

