

MEETING OF THE BOARD OF MEDICAL EXAMINERS OF  
NORTH CAROLINA

Sir Walter Hotel, Raleigh, North Carolina

January 15-17, 1947.

The Board of Medical Examiners of the State of North Carolina met at the Sir Walter Hotel, Raleigh, North Carolina, January 15-17th, 1947, in an extra session for the consideration of general business and licensure by endorsement of credentials.

The board convened Wednesday, January 15th, 1947, at 6:30 P. M. for a dinner and executive session. The meeting was called to order by Dr. Paul G. Parker, President. Drs. Charles W. Armstrong, Thomas Leslie Lee, R. B. McKnight, Malory A. Pittman, Ivan Procter, and Mrs. Louise J. McNeill, Acting Secretary-Treasurer, were present.

The agenda for the meeting was discussed and the members of the board studied credentials of applicants for licensure by comity.

It was reported that Dr. W. D. James, former secretary of the Board of Medical Examiners, had just expired. Dr. R. B. McKnight moved that the board send a message of sympathy and flowers to the family of Dr. James. This motion was duly seconded and unanimously passed.

Dr. R. B. McKnight, Chairman of the Basic Science Committee made the following report:

Two committee meetings have been held without full attendance. A general discussion of the basic science subject and proposed law was entered into. Dr. McKnight stated that the secretary of the Board of Medical Examiners had studied the various basic science laws in effect throughout the United States and made a summary report on these laws and the effect was sent to each member of the overall committee. The December meeting of the Basic Science Committee was attended by Drs. Paul G. Parker, W. C. Davison, C. C. Carpenter, Hubert Haywood, R. D. McMillan, and the chairman. At this meeting it was decided to postpone action on the proposed law until the 1949 session of the General Assembly. This action was taken after consideration of the remarks made by Dr. C. C. Carpenter, who stated:

1. That the present Medical Practice Act had been in effect for forty years with very little change; that the Medical Practice Act needed revision.

2. That the 1947 Legislature had a great deal of medical material to consider in the form of the proposed state wide Good Health Program.

3. That the American Federation of State Boards reported that a plan was being worked out for a uniform national basic science law.

Dr. McMillan and Dr. Haywood both expressed their concurrence to postpone legislative action. In a letter Dr. Ivan Procter stated that he agreed with the action of the committee. Furthermore, that when legislative proposals were made to change the Medical Practice Act, we should consider a number of features in order to bring this law up to date.



Several proposals made by the secretary of the board were:

1. Annual registration of physicians
2. Requirement of one year's internship for licensure
3. Inclusion in the Medical Practice Act of the injunctive process which would eliminate trial by a jury in the case of irregularity

In commenting upon the duties of the State Board of Medical Examiners, the secretary made certain tentative recommendations:

1. That the office of the secretary-treasurer be set up in a most business-like and modern manner; that the office be located permanently in the City of Raleigh. This location is advisable on account of its proximity to other state offices and officers. It is frequently necessary for the secretary to have the services of the Attorney General, the State Bureau of Investigation, and the attorneys for the State Medical Society, as well as consultation with attorneys for this board.
2. It is suggested that the board prepare a record giving its history, function, members, requirements, fundamental policies, et cetera.
3. The policy of an annual audit has been instituted by the present board.
4. That the treasurer and assistant treasurer are bonded and this should be a regular policy of the board.
5. The secretary suggested for consideration the adoption of the North Carolina State Treasurer as the board's financial officer.

In considering rules of applicants' for examination or reciprocity, Dr. R. B. McKnight moved that a certified check be required with the application; that the check be deposited in a regular manner to the credit of the board and this amount also be recorded to the credit of the applicant in the treasurer's books; that a certain part of this fee be retained under the following circumstances:

1. If applicant is declined licensure by reciprocity, 10% of the fee be retained.
2. For failure of Part I or Part II and/or Parts I and II, \$2.50 of the fee to be retained.
3. If applicant is granted privilege of re-examination, the full fee is to be paid.

This resolution was adopted unanimously.

Dr. R. B. McKnight reported to the board on a recommendation of Attorney General Harry McMullan as follows:

1. That when a narcotic addict was called before the board on account of addiction, if the board considered his case of sufficient gravity as to recommend institutional treatment, that his license to practice medicine should be revoked at that time.
2. When the said physician had received adequate and satisfactory treatment so that he was in a condition to carry on a normal type of practice, the board could then reinstate his license.
3. That such positive action would be better than the previous policy of holding a threat of revocation over the addict. With the license revoked, the addict would have an incentive to carry out his improvement and regain his position of respect in the community and before his fellow practitioners.

*license +*



The audit by John F. Prescott, Certified Public Accountant, for the year of 1946 was presented to the board. Dr. Procter moved that the president appoint a Finance Committee to examine the books and report to the board before the end of this meeting. This motion was duly seconded and passed unanimously. The president appointed Dr. Charles W. Armstrong and Dr. Thomas Leslie Lee to serve as the Finance Committee.

Report was made on the following matters:

IN RE: Mrs. J. L. Broughton, Raleigh, N. C., Solicitor W. Y. Bickett of the Seventh Judicial District, advised as follows:

"Your letter of the 25th, with enclosure, in connection with the above named party received, and as soon as I can talk with Mr. McMullan, the Attorney General, and the director of the State Bureau of Investigation about the matter, it is my intention to send a Bill of Indictment to the Grand Jury, charging Mrs. Broughton with "practicing medicine without first obtaining a license."

IN RE: Mrs. Blanche Case, R. F. D. #2, Greenville, N. C., Solicitor David M. Clark, Fifth Judicial District, advised as follows:

"In my opinion you do not have sufficient evidence to warrant an indictment and prosecution."

IN RE: George A. Andrews, M. D., the following report from the United States Public Service Hospital, Lexington, Ky., was made on January 8th, by the Bureau of Narcotics:

"The patient was admitted here on September 16, 1946, and showed signs of physical dependence on opium or opium derivatives. He also showed signs of acute barbiturate intoxication and was malnourished, had sclerosed veins, numerous pigmented scars over back, and enlarged cervical lymph nodes. Diagnosis: (1) Drug addiction, opium derivatives, with physical dependence, (2) acute barbiturate intoxication, (3) malnutrition.

"Since admission here withdrawal from drugs has been accomplished and patient shows general improvement."

IN RE: Dr. S. W. Fleming, grade B graduate, working in Columbia Hospital, Columbia, N. C. The Bureau of Investigation was requested to make investigation as to Dr. Fleming practicing medicine without a license, however, this report has not been received to date.

Dr. M. A. Pittman moved that Dr. S. W. Fleming be directed to appear before the Board of Medical Examiners at its April, 1947 meeting. This motion was duly seconded and unanimously passed.

IN RE: Dr. J. W. Miller, Osteopath, Englehard, N. C. The Bureau of Investigation was requested to make investigation as to Dr. Miller practicing medicine without a license, however, this report has not been received to date.

The Board of Medical Examiners was advised on January 8th that the case of State vs Richard C. Baker, Osteopath, would not be tried at the present term court due to the crowded docket, which consisted of several murder and capital cases; that the attorneys for the North Carolina State Medical Society had made every effort to have this case set for trial.

IN RE: Gaston B. Justice, M. D., Marion, N. C.

Dr. Justice appeared before the Board of Medical Examiners June 19th, 1945, at which time he pledged himself not to use narcotics or indulge in alcoholic drinking and the board advised him not to apply for narcotic license. On August 21st, 1946, the Narcotic Bureau



advised that Dr. Justice had applied for re-registration under the Harrison Narcotic Law. On August 29th, 1946, Dr. R. B. McKnight, President of the Board of Medical Examiners, wrote Dr. Justice as follows:

"We have been advised that you have applied to the Treasury Department, Bureau of Narcotics, for re-registration under the Harrison Narcotic Law. According to the minutes of the State Board of Medical Examiners of June 19th, 1945, at which time you were called before the board, you were instructed not to apply for a license and gave the board your word of honor that you would not do so. We can not understand this step."

On January 2nd the secretary of the Board of Medical Examiners requested the Narcotic Bureau to advise if it had any additional evidence in regard to Dr. Justice, if he had been issued a narcotic license, and if there were any evidence that he was breaking the law in any manner whatsoever, a copy of which was sent to the Councilor of the State Medical Society, Tenth District.

The following letter was received from Dr. D. M. McIntosh, Sr., Councilor, State Medical Society, under date of January 4th:

"I received copy of your letter of January 2nd, 1947 to Mr. E. M. Martin of the Bureau of Narcotics in regard to Dr. Gaston B. Justice. I have been informed by a number of people that he does use narcotics, also the barbiturates and occasionally alcoholics to excess. I have been unable to find any evidence that he dispenses any narcotics to his patients or others. I did find that he did write prescriptions sometime ago and tried to get them filled at a drugstore in this county, and that he informed the druggist that he would take the morphine and deliver it to his patient. The druggist refused to fill the prescription on the pretense that he was out of morphine."

The following letter under date of January 10th, 1947, was received from the Narcotic Bureau:

"Reference is made to your letter of January 2nd, 1947, concerning Dr. Gaston B. Justice, Marion, N. C. I have not approved the application filed by Dr. Justice, wherein he asked for registration under the Harrison Narcotic Law for the current fiscal year for the very reasons which you set forth in your letter of January 2, 1947, referring back to the Board's instructions to Dr. Justice of June 14, 1945. To-day I wrote Dr. Justice a letter, a copy of which is enclosed. I shall appreciate your advice as to what, if any, further instructions you give Dr. Justice so that I may know whether or not to immediately disapprove the Form 678-A which is in my possession and which must of course be returned to the Collector of Internal Revenue, Greensboro, N. C."

The Narcotic Bureau advised Dr. Justice under date of January 10th, 1947, that it would not give further consideration to his application under the Harrison Narcotic Law until the North Carolina State Board of Medical Examiners had advised him that it met with their approval for him to be registered.

Dr. Ivan Procter moved that the Board of Medical Examiners go on record as advising the Narcotic Bureau not to issue Dr. Gaston B. Justice of Marion, N. C., narcotic license because he had violated the board's order of June 15th, 1945, not to apply for narcotic license; that Dr. Justice be advised that he will be called before the next session of the Board of Medical Examiners. This motion was duly seconded and unanimously passed.

The following letter from Dr. Renzo Sutter, Mt. Airy, N. C. under date of January 2nd, 1947, to the Board of Medical Examiners was read:



"The State Board of Medical Examiners has refused me the privilege of taking the State Board Examinations on the grounds that I am not a graduate of an accredited school in the United States. I am a graduate of the University of Havana and this school has not been graded by the American Medical Association. Since I have been in Mount Airy, N. C., for the past five years and have my friends, family, and home here, I would not like to move out of the State of North Carolina. I am willing to undergo most any sacrifice to secure license, even go back to school. If I should take the senior year in an accredited school and receive an M. D. degree, would the Board of Medical Examiners permit me to take the examinations then?"

Dr. Thomas Leslie Lee moved that Dr. Renzo Sutter be advised if he has a diploma from a grade A medical school that he would be admitted to take the examinations of the Board of Medical Examiners. This motion was duly seconded and unanimously passed.

Dr. R. B. McKnight moved that the superintendent of the Guilford County Sanitorium be instructed that Dr. William McQueen is not eligible for licensure and recommend that he be replaced. This motion was duly seconded and unanimously passed.

The minutes of the September 30-October 1st, 1946, meeting for the consideration of licensure by endorsement of credentials were approved.

The date for the next meeting of the Board of Medical Examiners for consideration of applicants for licensure by endorsement of credentials will be held at the Robert E. Lee Hotel, Winston-Salem, N.C., Wednesday, April 30th, 1947, the board to convene at 10 A. M.

Tuesday, June 24th, 1947, was set for the date during the annual examinations to interview candidates for licensure by endorsement of credentials, the board to convene at 9 A. M.

The meeting was adjourned.

The board convened Thursday, January 16th, 1947, at 10 P. M. The meeting was called to order by the president. All members, with the exception of Dr. M. D. Bonner, were present. Dr. Bonner, who was detained due to important business, came in for the afternoon session.

Applicants for licensure by endorsement of credentials were interviewed and sixty-three physicians were granted license as follows:

<u>NAME</u>	<u>MEDICAL SCHOOL</u>	<u>ADDRESS</u>
Anderson, Irene Freda	Univ. Oklahoma	Durham, N.C.
Bieber, Gustave Francois	Duke University	Wilmington, N. C.
Bishop, William Russell	Medical Coll. Va.	Greensboro, N. C.
Bradley, James Fred	University Tenn.	Goldsboro, N. C.
Branaman, Guy Hewitt	Medical Coll. Va.	Raleigh, N. C.
Brinkhous, Kenneth Merle	State Univ. Iowa	Iowa City, Iowa
Burgoyne, William Schell	Univ. Buffalo	Forest Hills, L.I.
Cheate, James Walter, Jr.	Medical Coll. Va.	Salisbury, N. C.
Cox, William Fosous	Medical Coll. Va.	Winston-Salem, N.C.
Dickie, James William	Univ. Virginia	Wilmington, N. C.
DiCosola, Ralph Michael	Univ. Illinois	Tryon, N. C.
Dratz, Henry Martin	Duke University	Durham, N. C.
DuRant, Carey Thomas	Med. Coll. S. C.	Tryon, N. C.
Ernst, Henry Edwin	Medical Coll. Va.	Washington, D. C.
Esselborn, Virginia Margaret	Univ. Cincinnati	Durham, N. C.
Farmer, Woodard Eason	Tulane Univ.	Brooklyn, N. Y.
Forsyth, H. Francois	Univ. Michigan	Winston-Salem, N. C.



<u>NAME</u>	<u>MEDICAL SCHOOL</u>	<u>ADDRESS</u>
Freeman, Percy Lee	University Ga.	Thomaston, Ga.
Gunter, Van Wyke	Medical Coll. Va.	Raleigh, N. C.
Hall, John Moir	University Va.	Elkin, N. C.
Haath, Hunter	McGill Univ.	Kinston, N. C.
Henkin, Allen Erwin	George Washington	Durham, N. C.
Henley, Thomas Franklin	Harvard Univ.	Winston-Salem, NC
Hollister, William Fredwin	Duke University	Durham, N. C.
Kell, Thornton	University Ga.	Grundy, Va.
Kenzie, Joseph Frederick	Univ. West Ontario	Bath, N. Y.
Kernodle, John Robert	Duke University	Durham, N. C.
Lambeth, Samuel Summerfield	University Va.	Durham, N. C.
Lang, Andrew Martin	Med. Coll. Va.	Morganton, N. C.
Larson, John David, Jr	George Washington	Rowland, N. C.
Lazoara, Vincent Edward	Med. Coll. Va.	Raleigh, N. C.
Mackie, Thomas Turley	Columbia University	Winston-Salem, NC
Martin, Ruth Campbell	Washington Univ.	Durham, N. C.
Matthews, Hugh Archie	Duke University	Canton, N. C.
Meade, Forest Chauncey	University Md.	Statesville, NC
Meaney, Richard Vincent	Cornell University	Charleston, S. C.
Mobbs, Robert Frederick	Boston University	Pinehurst, N. C.
Moore, Pierce Jones, Jr.	Coll. Med. Evan.	Spartanburg, SC
Moore, William Donald	Med. Coll. Va.	Cary, N. C.
Murrah, Thomas Andrew III	Med. Coll. S. C.	Charlotte, N. C.
Nalle, Brodie Crump, Jr.	Duke University	Charlotte, N. C.
Palumbo, Leonard, Jr.	Duke University	Durham, N. C.
Payne, John Edward, Jr.	Meharry Med. School	Wilmington, N.C.
Perkins, Rex Beach	Duke University	Winston-Salem, NC
Perryman, Olin Charles, Jr	Duke University	Winston-Salem, NC
Pettit, Harold Starkey	Northwestern Univ	Gastonia, N. C.
Podger, Kenneth Arther	Duke University	Durham, N. C.
Raiford, Theodore Sidney	Johns Hopkins Univ	Lincoln, Ill
Reese, Martha Katherine	Johns Hopkins Univ	Winston-Salem, NC
Richardson, James Justus	Temple University	Laurinburg, N. C.
Riggs, Millard MoAdoo	Duke University	Drexel, N. C.
Riley, Kathleen Amelia	Med. Coll. S. C.	Durham, N. C.
Schlechter, Charles Francois	Jefferson Med. Sch.	Philadelphia, Pa.
Shaffner, Louis deSchweinitz	Harvard Med. School	Winston-Salem, NC
Silver, George Addison III	Duke University	Durham, N. C.
Smith, Stedman West	McGill University	Durham, N. C.
Smith, William Crenshaw	Duke University	Durham, N. C.
Stead, Eugene Anson, Jr.	Emory University	Durham, N. C.
Steiger, Howard Paul	Duke University	Philadelphia, Pa.
Williams, William Harrison, Jr.	Duke University	Charlotte, N.C.
Wilson, Margaret	Duke University	Raleigh, N. C.
Youngblood, Vernon Hinston	Emory University	Concord, N. C.
Wright, Kenneth Bremner	Columbia University	Rocky Mt, N. C.

Dr. Robert Frederick Mobbs, whose credentials were not complete, was interviewed and the secretary was directed to issue license at such time as his credentials were completed.

The following physicians were interviewed and declined licensure:

Dr. Aniceto Montero-Chaves, graduate of the University of Brussels, Belgium, was declined licensure due to the fact that he was graduated from a foreign medical school, which school has not been classified by the American Medical Association.

Dr. Roland I. Grausman, a practicing physician in New York, N. C., was declined licensure due to the fact that he stated he wished to spend his summers at a North Carolina beach and take care of his patients there.

Dr. David Handelman, graduate of the School of Medicine of Edinburgh, Scotland, was declined licensure due to the fact that he was a graduate of a foreign medical school, which school has not been classified by the American Medical Association.

Dr. William Dever Micklethwait was declined licensure.

Dr. Frank Baxter Mitchell was declined licensure.

Dr. Franklyn Edward Verdon, graduate of Middlesex University of Massachusetts, was declined licensure due to the fact that he is



a graduate of a foreign medical school, which school has not been classified by the American Medical Association.

Dr. William S. Burgoyne, who had obtained a license outside of a regular meeting to go to Hatteras, N. C., and vicinity to practice medicine due to the extreme urgency for medical service there, appeared to request the board to allow him to retain his license to practice medicine in the State of North Carolina, with no restrictions, due to the fact that he did not plan to remain on the Outer Banks of North Carolina. There was a complete hearing on both sides of Dr. Burgoyne's case, the opponents' being by letter. The board moved to grant Dr. Burgoyne regular and complete licensure for the State of North Carolina.

A hearing was held in the matter of Furman Angel, M. D., Franklin, N. C. Dr. Angel was summonsed to appear before the Board of Medical Examiners on account of his trial and conviction at the July, 1946 Term of Superior Court, Haywood County, North Carolina.

The following evidence was introduced by Attorney John H. Anderson for the Board of Medical Examiners as exhibits:

EXHIBIT A- Certified copy of Bill of Indictment and Judgment in the case of State vs Dr. Furman Angel, Haywood County, North Carolina, July Term Superior Court, 1940

Bill of Indictment contained four counts as follows:

Fornication and Adultery

Maintaining a building for prostitution and assignation

Maintaining a building for prostitution and assignation

Prostitution and assignation

Judgment, July Term, 1946, as follows:

"The defendant, through his counsel, tenders to the State a plea of guilty on three counts in the bill of indictments, which pleas were accepted by the Solicitor for the State.

"On recommendation of the Solicitor and Counsel for the defendant, and by consent of the defendant in open court, it is the judgment of the Court on the count charging the defendant with fornication and adultery, that he pay a fine of \$1,000.00 and the remainder thereof to be turned over to the Treasurer of the school funds of Haywood County, and that he be imprisoned in the common jail of Haywood County for a term of two years and assigned to do labor under the supervision of the State Highway and Public Works Commission.

"The prison sentence will not go into effect except on motion of the Solicitor at any subsequent term within five years from the rising of this court upon satisfactory proof that the defendant has failed to pay the fine and cost herein imposed, or that he has failed or refused immediately to institute and prosecute to final judgment the proper action or proceeding to annul the attempted marriage between himself and the said Burr Messer, or that he has, at any time, or in any manner, or at any place, inside or outside the State of North Carolina had or maintained any associations, lascivious or otherwise, with the said Burr Messer

"On the count for maintaining a building in which prostitution was conducted, it being the second count in which a plea of guilty was entered, the prayer for judgment is continued during good behavior, the court reserving the right to pronounce judgment therein at any subsequent term within five years.

"On the count charging prostitution, prayer for judgment is continued during good behavior, the court reserving the right to pronounce judgment at any subsequent term.

"The remaining cause pending on this docket in this court, is continued.



"All other counts in the bill of indictment in which the counts have heretofore been disposed of, are not pressed."

Signed - Felix E. Alley, Judge Presiding

EXHIBIT B - Certified copy of marriage license of Furman Angel and Louise Setzer, January 11th, 1930, County of Habersham, State of Georgia

EXHIBIT C- Certified copy of marriage license of Furman Angel and Hattie B. Messer, August 16th, 1943, County of Union, State of South Carolina.

EXHIBIT D - Certified copy of birth certificate of female child, September 29th, 1938, Furman Angel, father and his wife, Hattie Burr Messer.

EXHIBIT E - Certified copy of birth certificate of male child, December 16th, 1939, Furman Angel, father, and his wife, Hattie Burr Messer.

EXHIBIT F - Duly executed summons for the appearance of Furman Angel, M. D., to appear before the North Carolina State Board of Medical Examiners January 16th, 1947.

EXHIBIT G - Copy of letter of November 27th, 1946, with registered receipt returned, advising Furman Angel, M. D., that his appearance was requested before the North Carolina State Board of Medical Examiners January 16th, 1947, and that the allegations and charges were enclosed.

EXHIBIT H - Copy of NOTICE OF HEARING AND ACCUSATIONS to Furman Angel, M. D., as follows:

"Pursuant to a resolution duly adopted by the Board of Medical Examiners of the State of North Carolina at its meeting at Asheville, N. C., October 1st, 1946, you are hereby summonsed and notified to appear before said Board at its meeting to be held January 16th, 1947, at 10 A. M., at the Sir Walter Hotel, Wake County, Raleigh, North Carolina, to answer to the following charges which are preferred against you by said board, to-wit:

- "1. That on or about January 19th, 1930, you were legally married to Louise Setzer.
- "2. That subsequently thereafter while you were still married to the said Louise Setzer, you unlawfully, illegally, and lasciviously lived and co-habitated with Hattie B. Messer, to whom you were not married.
- "3. That on or about the 16th day of June, 1940, you were married to or entered into a purported marriage with the said Hattie B. Messer while you were still married to the said Louise Setzer.
- "4. That thereafter you lived and co-habitated with said Hattie B. Messer while you were still married to said Louise Setzer.
- "5. That, in the Superior Court of Haywood County, North Carolina, you were charged with, pleaded guilty to, and were convicted of the following criminal offenses, involving moral turpitude:
  - "(1). Fornication and adultery
  - "(2). Maintaining a building for prostitution and assignation
  - "(3). Maintaining a building for prostitution and assignation
- "6. That you were also indicted in the Superior Court of Haywood County, North Carolina, for the offense of 'prostitution and assignation'.



"7. That you have been guilty of grossly immoral conduct and of dishonorable conduct unworthy of a member of the medical profession and affecting the practice of your profession.

"You are hereby notified that you will be given an opportunity at said time and place to answer to and be heard with reference to the above allegations and charges, to be represented by counsel, and to present evidence and witnesses on your behalf in connection therewith, if you so desire. Prior to said meeting, you may, if you desire, file a written answer to the above charges and allegations with the secretary of the Board of Medical Examiners of the State of North Carolina, 226 Hillsboro Street, Raleigh, N. C.

"Witness my hand and official seal this 27th day of November, 1946.

"Signed Louise J. McNeill, Acting Secy.  
Board of Medical Examiners of  
the State of North Carolina".

The attorneys for the defense agreed to the above evidence when presented.

The following evidence was introduced by Attorneys McKinley Edwards, George B. Patton, and J. H. Stockton, for Furman Angel, M. D., and is duly filed in the office of the secretary of the Board of Medical Examiners as exhibits:

EXHIBIT I - Answer of the defendant to the Accusations, as follows:

"Now comes Furman Angel, M. D., and files answer to the accusations preferred and filed against him before this Honorable Board, and for his answer thereto says:

- "1. That the allegations of paragraph one are not denied.
- "2. That the allegations of paragraph two are untrue and denied.
- "3. Answering paragraph three of the accusations, it is admitted that on or about the 16th day of June, 1940, this answering respondent, from want of will or understanding, attempted to contract a marriage with the said Hattie B. Messer in the State of South Carolina, which said attempted marriage, in a suit instituted in the Superior Court of Macon County, North Carolina, by this answering respondent, has been declared, by a judgment of the Superior Court of Macon County, North Carolina, void ab initio, a copy of which judgment will be produced upon the hearing of this matter.
- "4. That the allegations of paragraph four of said accusation are untrue and denied.
- "5. Answering paragraph 5, it is admitted that in the year 1946, in the Superior Court of Haywood County on a bill of indictment that had been found by the Grand Jury of said county, some six years or more prior thereto, that this respondent, in order that disposition could be made by the Court of the charges against him on said bill of indictment, entered a plea of guilty to three of the counts in said bill of indictment, to-wit: fornication and adultery; maintaining a building in which prostitution was conducted; prostitution.

"That said counts in said bill of indictment to which respondent pleaded guilty were only a misdemeanor, and it is denied that same involves moral turpitude. That the Court entered the following judgment against the defendant in said cause, to-wit:"

Said judgment referred to is set out in Exhibit A.

- "6. Answering paragraph 6, it is admitted that the bill of indictment above referred to, contained a count for prostitution and assignation, but all counts in said bill of indictment were not pressed, except the three counts to which the defendant entered a plea of guilty.
- "7. That the allegations of paragraph seven of the accusations are untrue and denied.

"AND FOR A FURTHER DEFENSE, THIS ANSWERING RESPONDENT AVERS:



"That the accusations now preferred against him, which are not true, as therein alleged, but that any foundation or suspicion of same arose several years ago, to-wit, more than six years ago, and that this respondent's conduct and demeanor is now and has been for a period of years, exemplary and that he is and has been, for a period of years, conducting himself in an exemplary way and manner, and practicing his profession in an honorable way in every respect.

"WHEREFORE, this answering respondent requests that the charges preferred against him be dismissed and that he be permitted to continue the practice of his profession in North Carolina.

Signed McKinley Edwards, Attorney for  
Respondent, Furman Angel, M. D."

EXHIBIT J - Copy of Judgment in the Superior Court of Macon County, North Carolina, December Term, 1946, Furman Angel vs Hattie B. Angel

"This cause coming on to be heard at this the December Term, 1946, of Macon Superior Court before his Honor Zeb V. Nettles, Judge Presiding, and the jury, upon the following issues, to-wit:

"1. Has the plaintiff been a resident of the State of North Carolina for a period of six months or more immediately preceding the commencement of this action?

"2. Did the plaintiff, Furman Angel, on or about the 16th day of June, 1940, in the State of South Carolina, attempt to contract a marriage with the defendant whose name at said time was Hattie B. Messer or Hattie Burr Messer, and on said date was there attempted to be performed a marriage ceremony in the State of South Carolina pronouncing or attempting to pronounce and declare plaintiff and defendant husband and wife?

"3. On the 16th day of June, 1940, did the plaintiff, Furman Angel, then have a living wife by a former marriage?

"And the jury having answered all of said issues Yes, as will appear by reference to said issues now on file herein.

"It is, therefore, upon motion of counsel for the plaintiff, Furman Angel, considered, ordered, adjudged and decreed that the marriage or attempted marriage entered into between plaintiff and defendant on the 16th day of June, 1940, in the State of South Carolina, be and the same is hereby adjudged and declared void ab initio.

"It is further ordered that the plaintiff pay the cost of this action to be taxed by the Clerk.

Signed Zeb V. Nettles, Judge Presiding"

EXHIBIT K - Letter under date <sup>J</sup> January 10th, 1946, from Solicitor Dan K. Moore, to Attorneys Edwards and Leatherwood in re Furman Angel as follows:

"It is my understanding that your agreement with Mr. John M. Queen, the former solicitor of this district, was to the effect that if Dr. Angel would obtain an annulment of his marriage with his second wife, that he would take a nol pros in the bigamy case pending in Haywood County.

"I was present in court in Macon County when Dr. Angel obtained this annulment, so as the present solicitor, I will have the nol pros entered at the next term of Court in Haywood County, which begins February 3, 1947."

The following witnesses for Furman Angel, M. D., were examined by attorneys for the Board of Medical Examiners, the defense, and by members of the State Board of Medical Examiners:



- Baxter D. Jones, Bryson City, N. C., Senator North Carolina General Assembly
- Harve M. Moore, Hayesville, N. C., Representative North Carolina General Assembly and past chairman of the county commissioners
- Herbert A. McGlamery, Franklin, N. C., Representative North Carolina General Assembly
- Charlie Price, Asheville, N. C., United States Marshall, Western District of North Carolina
- W. Jackson Huneycutt, Franklin, N. C., Methodist minister
- Pritchard Smith, Franklin, N. C., State Highway Patrolman
- J. Berry Bradley, Franklin, N. C., Sheriff Macon County
- Dr. Frank Killian, Franklin, N. C., practicing physician
- Dr. Grover Wilkes, Sylva, N. C., practicing physician
- Thomas Jefferson Mauney, Murphy, N. C., Deputy Collector, North Carolina Department of Revenue
- Henry W. Cabe, Cashier bank, Franklin, N. C.

Each of the above witnesses stated that they had known Dr. Furman Angel for a number of years; that with the exception of the matter for which he had been convicted in Haywood County, North Carolina, in 1946, his character was good. He was indicted in 1940, six years prior to the date of the trial. He had operated a successful clinic and had been held in high esteem both professionally and morally and that there had never been at any time any question of his reputation with the exception of the above referred case tried in Haywood County, North Carolina. He resides in Franklin, N. C., with his lawful wife and he owns and operates a successful clinic in Franklin, N. C., rendering valuable medical service to the people in his community and surrounding counties.

A complete record of the testimony in the hearing of Furman Angel, M. D., is duly filed in the office of the Secretary of the Board of Medical Examiners of the State of North Carolina.

Dr. Charles E. Moore, Carolina Beach, N. C., was summonsed to appear before the Board of Medical Examiners on account of alleged violations of the Federal Narcotic Law, for which he was indicted in the Federal Court on October 21st, 1946, and convicted in the Federal Court on October 23rd, 1946, the judgment being Guilty, sentenced to 12 months, execution suspended; placed on probation for two years.

Dr. Donald B. Koonce, Councilor, North Carolina State Medical Society was present for this hearing; also Mr. W. T. Atkinson, Agent for the Narcotic Bureau.

The following report under date of November 27th, 1946, from the Narcotic Bureau was read to the board:

"Your attention is invited to the case of Charles E. Moore, M. D., Carolina Beach, N. C., who on October 23, 1946, pleaded guilty in the United States District Court, Wilmington, N. C., to violations of the Federal Narcotic Law and was given a twelve-months sentence, execution of which was suspended. Dr. Moore was placed on probation for a period of two years.

"Complaints had been received by our agents concerning Dr. Moore's apparent willingness to write narcotic prescriptions. Upon investigation it was found that Dr. Moore had not been registered under the Federal narcotic law since August, 1939. However, six prescriptions issued by Dr. Moore were found on the files of a drug store at Carolina Beach. These prescriptions called for various amounts of narcotics for a number of persons, most of whom our investigator was unable to locate as they had been on vacation at the beach but afterward had returned to their homes.

"It was reported that Dr. Moore had no office but would prescribe for patients wherever he happened to be. He was known to frequent beer parlors, his arrest for the instant offense having been made as he sat at a table in "Sam's Beer Parlor" drinking beer on May 20, 1946.

"By reference to your files you will note that on July 26, 1937, this Bureau advised Dr. Benjamin J. Lawrence, who was then Secretary of the State Board of Medical Examiners, of Dr. Moore's conviction under the Federal Narcotic Law, for which he was sentenced on June 17, 1937, to serve 18 months and pay a fine of \$500. The Court ordered also that Dr. Moore be placed on probation for five years after completing his prison sentence.

"According to Dr. Moore's F. B. I. record, he was convicted on or



about November 23, 1942, on "13 charges of worthless checks" for which he was given "30 days suspended with payment of costs in each case"; and on or about January 28, 1944, he was convicted on a charge of operating a disorderly house, and given a sentence of 18 months."

The secretary reported the following from the October 27th, 1944, minutes of the North Carolina Board of Medical Examiners:

"Charlie Moore, M. D. of Greensboro, license was revoked because of conduct unbecoming to the medical profession. He is serving a sentence in the Federal penitentiary."

The identity of Dr. Charlie Moore of Greensboro and Dr. Charles E. Moore of Carolina Beach was established by comparison of a photograph from the Greensboro Police Department, which was on file with his record there, and with Dr. Moore in person.

Dr. Moore stated that he now resided at Carolina Beach, N. C.; that he had resided in Greensboro, N. C.

The minutes of the board of October 27th, 1944, as heretofore set out, were read to Dr. Moore and he was advised that according to the Narcotic Bureau he had not had been registered with the Narcotic Bureau since 1939. Dr. Moore stated that it was a mistake; that his license had not been revoked; he later said that his license had been reinstated after his release from prison.

Dr. R. E. McKnight moved that the Board of Medical Examiners notify Dr. Charles E. Moore by registered mail, return receipt, that according to its minutes of October 27th, 1944, his license had been revoked and that the same had never been reinstated. This motion was duly seconded and unanimously passed.

Dr. Wiley Royster Young, Angier, N. C., appeared before the Board of Medical Examiners in answer to summons on account of alleged narcotic addiction by the Narcotic Bureau.

Dr. John N. Robertson, Councilor, North Carolina State Medical Society, was present; also Mr. W. T. Atkinson, Agent for the Narcotic Bureau.

Dr. Young was advised that he was charged with various violations of the narcotic law and that he was given an opportunity to say anything he desired, at which Dr. Young stated that he would like to know the specific charges.

The following report under date of May 27th, 1946, from the Narcotic Bureau was read:

"Your attention in this connection is invited to the case of Dr. Wiley Royster Young, Angier, N. C., who on the night of February 16th, 1944 was found by police officers at Greensboro, N. C., sitting in his car in a very dazed condition. He in his possession 131 grains of cocaine and 16 1/16 grain dilaudid tablets in containers from which the labels had been scratched. In the rear of the car were found five capsules of nembutal, together with a loaded hypodermic needle and a book of Government order forms for opium, etc. At the police station Dr. Young told an agent of this Bureau that he had been using drugs for about three years, and that he was at Glenwood Park Sanitarium, taking treatment for drug addiction. Inquiry at this sanitarium elicited the information that Dr. Young had entered on February 7, 1944, under an assumed name and had come into town on February 16, 1944. The doctor was given a hearing before a United States Commissioner on February 17, 1944, at Greensboro and ordered held under \$1,000 bond for action of a Federal grand jury. On March 6, 1944, he was indicted at Rockingham, N. C., for violation of the Federal narcotic law.

" Eleven days later (on March 17, 1944) Dr. Young was arrested at Lexington, Ky., charged with obtaining dilaudid and cocaine by issuing two fraudulent prescriptions. He stated that he had just arrived in Lexington and expected to enter the United States Public Health Service Hospital the following morning. He also stated that he had been at this hospital twice in 1943 as a voluntary patient. He was



committed to jail in default of bond in the sum of \$5,000, and later was sent to the United States Public Health Service Hospital to undergo treatment, pending action by a Federal grand jury. On June 12, 1944, he was indicted at Lexington for violation of Section 3793 of the Internal Revenue Code. On August 8, 1944, when the case was called for trial in the United States District Court in Lexington, the judge, upon motion of the defendant's attorney, ordered that the matter be continued with Dr. Young remaining at the hospital under \$5,000 bond. On September 16, 1944, the bond was reduced to \$1,500. Dr. Young was released from the hospital and obtained employment at the Eastern State Hospital in Lexington.

"In September, 1945, Dr. Young filed an application for registration under the Federal narcotic law at Angier, N. C. On October 3, 1945, an inspector of this Bureau conferred with Dr. Foley, the superintendent of the Eastern State Hospital, who stated that Dr. Young had gone to North Carolina for a few days because of the illness of his wife. Dr. Foley stated that at times Dr. Young appeared to be under the influence of some drug. He also stated that Dr. Young had access to no cocaine or other narcotic drugs at the hospital and he saw no reason for Dr. Young to apply for narcotic registration. The reason for Dr. Young's applying for such registration at this particular time was not quite clear to our officers and in November, 1945, the application was withdrawn.

"The two above cases against Dr. Young were continued from time to time and on June 6, 1945, the indictment returned against him at Rockingham, N. C., was dismissed. On January 30, 1946, the indictment at Lexington, Ky. was ordered filed away with leave to reinstate without notice."

Mr. W. T. Atkinson, Agent for the Narcotic Bureau, reported the following:

"Dr. Young entered the Glenwood Park Sanitarium, Greensboro, N. C., November 11, 1946, at which time he stated to Dr. Riner, Medical Director that he was using 4 grains of morphine a day. This physician was discharged from Glenwood Park Sanitarium November 29, 1946, at which time he was free from the use of narcotic drugs."

Dr. Young admitted having gone to Glenwood Park Sanitarium, but denied that he stated he was taking 4 grains of morphine a day; that he was free of narcotics at the time, but had had some teeth extracted, had been given hypodermics, and went there to prevent any trouble; that he thought for several days after admission that they may have given him some morphine. Dr. Young said that he is now practicing medicine in Angier; that he has not taken any morphine in three years this coming March and has taken no barbiturates; that several years ago he was very strongly addicted and took several grains of morphine daily, first having become addicted in 1938 following an accident. Dr. Young stated that he had been to several private sanitariums but relapsed shortly after leaving, therefore, went to the United States Public Health Service Hospital, Lexington, Ky., where he stayed until he was certified as cured, and then procured a position at the Eastern State Hospital rather than return to general practice on account of the persistent relapses, where he remained for a period of two years. In September, 1946, he returned to private practice at Angier, N. C., and soon thereafter filed narcotic license due to being handicapped in his practice without it. Dr. Young stated that he is free of narcotics, wishes to remain free and will submit to any examination; that he wishes narcotic license only in the use of his practice; that he realizes it means his own future; that since returning to Angier he has established a home for his wife, himself, and his child, and feels now that he has a chance to make a success.

Dr. John N. Robertson, Councilor, stated that he knew nothing about this matter until he was notified by the Board of Medical Examiners; that he thought the board should recommend to the Narcotic Bureau that Dr. Young's narcotic license should be withheld until a later date.



Dr. Thomas Leslie Lee moved that the Narcotic Bureau be advised that Dr. Young's narcotic license should not be restored at this time. This motion was duly seconded and unanimously passed.

The meeting was adjourned.

The board convened at 8 P. M. for an evening session.

Dr. R. B. McKnight moved that after considering the evidence and testimony presented concerning the case of Dr. Furman Angel, Franklin, N. C., the Board of Medical Examiners of the State of North Carolina does hereby revoke and rescind the license of Furman Angel to practice medicine in the State of North Carolina, provided, however, that this order and rescission be suspended upon condition that Dr. Furman Angel be and remain of good behavior; that he not violate any criminal law; that he be of good moral conduct, and that he practice medicine on a high professional plane and in an ethical manner for a period of five years from this date. This the 16th day of January, 1947. This motion was duly seconded and unanimously passed.

The meeting was adjourned.

The board convened Friday, January 17th, 1947, at 9 A. M. The meeting was called to order by the present and all members were present with the exception of Dr. M. A. Pittman.

Applicants for licensure by endorsement of credentials were interviewed. (Physicians granted license included on pages 37 and 39).

The following resolution was passed by the Board of Medical Examiners:

BE IT RESOLVED: That the State Board of Medical Examiners endorses the entire plan as recommended by the Medical Care Commission. The board realizes that the Medical Care Commission has made a thorough study and outlined a competent program based upon the great need for additional facilities and medical personnel in North Carolina. The State Board of Medical Examiners realizes the fact that an adequate number of physicians has not been obtained by the sources available within and outside of the state.

The Finance Committee reported that it had examined the records of the treasurer and found the same satisfactory.

Dr. R. B. McKnight moved that the report of the Finance Committee be accepted. This motion was duly seconded and unanimously passed.

August 11th, 1947, was set for checking of grades following the annual examination in June, 1947, and August 12th for the purpose of interviewing applicants for endorsement of credentials, the meeting to be held at the Atlantic Hotel, Morehead, N. C.

Dr. Thomas Leslie Lee invited the members of the board to be his guests for the August, 1947 meeting to be held at Morehead City, N. C.

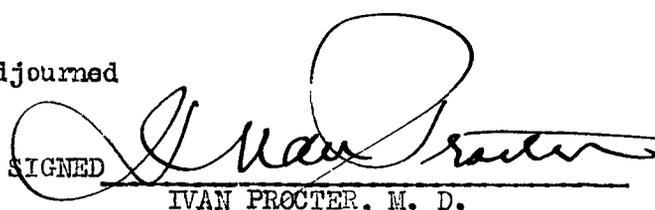
Dr. R. B. McKnight moved that the salary of the acting secretary-treasurer be raised 20%, to be effective as of January 1st, 1947. This motion was duly seconded and unanimously passed.

Dr. Thomas Leslie Lee moved that the office of the acting secretary-treasurer be changed to that of assistant secretary-treasurer. This motion was duly seconded and unanimously passed.



Dr. R. B. McKnight moved that a monthly rental of \$25.00 be paid to Dr. Kenneth D. Dickinson for space now occupied by the State Board of Medical Examiners as of January 1st, 1947, and that the secretary be instructed to procure suitable office space for the State Board of Medical Examiners at the earliest reasonable moment. This motion was duly seconded and unanimously passed.

The meeting was adjourned

SIGNED 

IVAN PROCTER, M. D.  
Secretary-Treasurer



