

MEETING OF THE BOARD OF MEDICAL EXAMINERS
OF NORTH CAROLINA

Sir Walter Hotel, Raleigh, North Carolina
June 22nd-25th, 1949

The Board of Medical Examiners of the State of North Carolina met in the Elizabeth Room of the Sir Walter Hotel, Raleigh, North Carolina, Wednesday, June 22nd, 1949, at 7 P. M. for a dinner meeting.

The meeting was called to order by Dr. Thomas Leslie Lee, President. Drs. M. D. Bonner, R. B. McKnight, Paul G. Parker, M. A. Pittman, Ivan Procter, Secretary-Treasurer, and Mrs. Louise J. McNeill, Assistant Secretary-Treasurer, were present. Dr. Charles W. Armstrong was absent due to the press of other business. Dr. Armstrong arrived on June 24th.

The agenda for the meeting was discussed.

The meeting was adjourned.

Thursday, June 23rd, registration of applicants for Parts I and Parts I and II of the written examination was held.

Ninety-three applicants registered for Part I and twenty-seven for Parts I and II of the examination.

The schedule for examinations was as follows:

Thursday, June 23rd	10 A. M. Anatomy, Embryology, Histology 2 P. M. Physiology, Chemistry
Friday, June 24th	10 A. M. Pathology, Bacteriology 2 P. M. Medicine, Therapeutics 8 P. M. Obstetrics, Gynecology
Saturday, June 25th	10 A. M. Surgery 2 P. M. Pharmacology, Pediatrics, Hygiene

Dr. J. W. R. Norton, State Health Officer, appeared before the board in an effort to have certain physicians approved, who do not hold a diploma from a grade A medical school, so that he might use them in public health work in North Carolina. These physicians were as follows:

VERNON

1. RE: DR. JOHN KINROSS-WRIGHT

Dr. John Kinross-Wright, on July 22nd, 1948, was given a temporary permit to practice medicine in the mental institutions of the State of North Carolina and their associate psychiatric clinics under the direction and supervision of Dr. David A. Young, General Superintendent, as per the resolution of this board January 12th, 1948.

Due to the fact that the Governor has directed that the Mental Hygiene Clinics be transferred to the supervision of the State Board of Health, Dr. Norton requested that Dr. Kinross-Wright be permitted to continue in his present status.

Dr. R. B. McKnight moved that Dr. John Kinross-Wright be permitted to continue in his present status for the remaining period of



two years under the permit granted July 22nd, 1948, as per the resolution of the board of January 12th, 1948, but that he be transferred to the supervision of the State Health Officer as a result of the Governor's direction transferring the Mental Hygiene Clinics to the supervision of the State Board of Health, in close co-operation with Dr. David A. Young, General Superintendent of the North Carolina Hospitals Board of Control. This motion was duly seconded and passed unanimously.

Dr. R. B. McKnight further moved that the State Board of Medical Examiners recommend to the State Health Officer that Dr. David A. Young, General Superintendent of the North Carolina Hospitals Board of Control, be made a consultant in Mental Hygiene on the staff of the State Board of Health. This motion was duly seconded and passed unanimously.

2. RE: DR. LOUIS NOVAK

Dr. Louis Novak, B. A. Degree Brown University, M. D. Degree College of Physicians and Surgeons, Boston, Massachusetts, has recently received a Master's Degree in Public Health at the University of North Carolina. Dr. Norton asked that Dr. Novak be allowed to work with the State Board of Health and stated that he would see that this physician be kept in an assistant capacity for a period of one year, after which time the matter would be presented to the Board of Medical Examiners for re-consideration.

Dr. C. G. Sheps, of the faculty of the School of Public Health, University of North Carolina, who was present to take the written examination, came in at the request of a member of the board to discuss Dr. Novak. He stated that Dr. Novak was accepted by the School of Public Health due to the fact that he had experience, had good recommendations and was assured of work afterwards in public health; that if he was in public health work and wanted training he should be allowed to have the same. He explained that public health degrees are given to physicians, nurses, and engineers and the courses are given according to the preparation one is seeking. Dr. Sheps said that Dr. Novak was in a small group and his impression was that he was a hard working, sincere individual, with a good background in medicine; that he constantly endeavored to keep up to date in clinical medicine, attending clinics. Dr. Sheps recommended that Dr. Novak be allowed to work under supervision. Upon being questioned, Dr. Sheps stated that the quota for the school of Public Health is 17 and that there were 14 applicants. When asked if the admission requirements would be higher had there been more applicants, he replied that they possibly would be.

Dr. M. A. Pittman moved that since hearing from Dr. C. G. Sheps that Dr. Louis Novak be allowed a public health internship under Dr. J. W. R. Norton and his staff, without medical license, for a period of one year, to be reconsidered after that time.

It was agreed that the above motion be tabled until June 24th.

RE: DR. DONALD LAING PETERSON

Dr. Peterson appeared before the Board of Medical Examiners on May 9th, 1949, and requested medical license by endorsement of credentials, which request was denied.

Dr. Peterson again appeared and made a plea to the board that it reconsider his application for licensure by endorsement of credentials. No action was taken.

RE: DR. HORTON CAMP

The following letter under date of May 24th, 1949, was received from the Bureau of Narcotics:



"You may be interested to learn, if the matter has not already come to your attention, that Dr. Horton Camp, Pittsboro, North Carolina, was admitted to the U. S. Public Health Service Hospital, Lexington, Kentucky, as a volunteer patient on September 8, 1948. It appears that before entering this institution he had spent eight days in a Veterans Administration Hospital, where narcotics had been withdrawn. It is our understanding that on January 18, 1949, Dr. Camp was granted leave of absence from the Hospital in Lexington, and that he returned for observation on March 20, 1949, at which time there was some evidence that he was using barbiturates, for which reason, although discharged, he was not "discharged as cured".

The following is resolution passed by the Board of Medical Examiners on May 4th, 1948, with reference to Dr. Camp:

"That the license of Dr. Horton Camp is hereby revoked because of his use of narcotic drugs, but the sentence is suspended and shall not go into effect unless and until the board receives evidence that Dr. Camp has personally used narcotics, hypnotics or any other habit forming drug, administered personally or by someone else in any manner whatsoever or until Dr. Camp violates any narcotic act after the date of this order. Dr. Camp is ordered to report to Dr. Allyn B. Choate, Chairman of the State Mental Hygiene and Mental Rehabilitation Committee, 203-7 Professional Building, Charlotte, North Carolina, every thirty days to show his compliance with this order."

Mr. W. H. Atkinson, Federal Agent, appeared and stated that in his opinion Dr. Camp was doing well at that time.

Dr. Camp was duly subpoenaed and appeared before the Board of Medical Examiners. When called to account for not following the direction of the board he gave a misunderstanding as his excuse. The board was lenient but directed Dr. Camp to follow its original instructions as quoted above.

The board requested the secretary to write Dr. Allyn B. Choate in an effort to ascertain whether or not it would be practical for urinalysis or blood test to be done on narcotic or barbiturate addicts in order to determine whether or not they were taking drugs.

RE: DR. BURT WALDEN

Dr. Walden was granted medical license to practice medicine in the State of North Carolina, limited to the Counties of Henderson, Polk, and Rutherford, on January 17th, 1949, due to the fact that he plans to reside in and continue his practice in South Carolina but wishes to practice in adjoining counties in North Carolina.

Dr. Walden appeared before the board with Dr. M. C. Palmer of Tryon, North Carolina, requesting an unlimited license to practice medicine in North Carolina, which was declined. The primary reason for this request was the desire for eligibility in the county and state medical societies. It was the opinion of the board that he was eligible for such membership.

RE: DR. HOWARD MONROE WALKER

The matter of Dr. Walker's request for unlimited medical license in North Carolina was postponed until the July meeting of the board due to the pressure of work.

RE: RECIPROCAL RELATIONS WITH PUERTO RICO

The request from the Puerto Rico Board of Medical Examiners to establish reciprocal relations with the North Carolina Board of Medical Examiners was presented to the board on May 9th, at which time additional information was requested. The following information was obtain-



ed and presented to the board:

Subjects included in written examination for medical licensure
Copy of questions for the last two examinations
Basis of grading examinations

The board directed that information be obtained from the Council on Medical Education of the American Medical Association and the secretary of the Federation of American Boards as to medical licensure in Puerto Rico and to advise the Board of Medical Examiners of Puerto Rico that the matter of reciprocal relations is under consideration.

RE: NORTH CAROLINA STATE MEDICAL SOCIETY

Dr. M. D. Bonner moved that the board pay the bill for legislative professional services rendered by Attorneys Smith, Leach and Anderson in the amount of \$780.26, as requested by the secretary of the State Medical Society. This motion was duly seconded and passed unanimously.

RE: DR. JAMES M. NORTINGTON

The secretary was directed to notify Dr. James M. Northington that pursuant to the order of June 23rd, 1948, he may proceed to practice medicine in the State of North Carolina; that his license remains suspended for two years, upon condition that he be and remain of good behavior and shall not violate any provisions of the Medical Practice Act of North Carolina, the Federal Narcotic Act, or any provision of the State or Federal criminal laws.

RE: DR. THOMAS ROWELL, OSTEOPATH, CONCORD, NORTH CAROLINA

The secretary was directed by the board to advise the Board of Censors of the Cabarrus County Medical Society that Dr. Rowell at his appearance before the Health Committee of the General Assembly on March 10th, 1949, with reference to the Osteopathic Bill, made the statement that he had practiced obstetrics and minor surgery, using anesthetics, vitamins, et cetera.

RE: DR. JUDGE B. DAVIS

The board directed the secretary to subpoena Dr. Judge B. Davis, colored, of Fuquay Springs, to appear at its meeting on July 23rd due to the fact that he has been convicted of a felony in the Wake County Superior Court.

The meeting was adjourned.

Friday, June 24th, registration of applicants for Part II of the written examination was held.

RE: DR. W. J. MARTIN

Dr. Martin, graduate of a grade B medical school, appeared before the board with reference to his internship at the State Hospital, Butner, North Carolina, and also requested that he be allowed to take Part II of the written examination, stating that he had taken Part I in June, 1935.

Dr. R. B. McKnight moved that the State Hospital at Butner, North Carolina, be approved for internship under the resolution of January 12th, 1948, with reference to graduates of grade B medical schools. This motion was duly seconded and passed unanimously.

The letter of July, 1948, from the secretary of the board to Dr. Martin that the State Hospital at Butner was approved for his internship was confirmed and he thereby understanding that meant for the two years, the board in session further stated to him that he could



remain at that hospital for the two year period. The board, however, prefers and recommends that in order to have more varied experience that he should go to another approved general hospital for the second year.

The board further advised Dr. Martin that since he stated that he had taken and passed Part I of the written examination and that the present secretary has not at any time had such evidence in its records, that he, Dr. Martin, gather such evidence as he may be able to obtain from the former secretary, the dean of his school, or any other reliable person and present the same to the secretary of the board, who will in turn have the board pass upon the evidence presented. If he presents satisfactory evidence to the board, he will be given a passing grade on Part I. If he does not present such evidence, he will be required to take Part I of the written examination in regular order. He is hereby granted ^{permission} if he continues his hospitalization satisfactorily to take Part II of the examination in June, 1950.

Dr. Bernard Tilton, who is a Seventh Day Adventist, requested permission to appear before individual board members looking to procuring medical license by endorsement of credentials, due to the fact that the next meeting of the board will be held on Saturday. The board directed the secretary to advise Dr. Tilton that it would be necessary that he appear before the Board of Medical Examiners in regular session.

Dr. Robert Wright Bedinger advised that he desired to procure medical license in the State of North Carolina for the purpose of being able to render medical service in the neighborhood when visiting his wife's home in Caswell County. The board directed the secretary to advise Dr. Bedinger that it was not its policy to grant medical license to non-residents of the State.

RE: DR. RENZO H. SUTTER

Dr. Sutter, graduate of the Medical School of the University of Havana, who was granted a limited medical license to practice medicine in the County of Surry, North Carolina, for one year in June, 1947 and which license was extended in June, 1948 for one year, appeared and requested the board to grant him an unlimited license to practice in the State of North Carolina.

RESOLVED: That Dr. Renzo H. Sutter's medical license, limited to the County of Surry, North Carolina, be extended for a period of one year.

The board recommended to Dr. Sutter that he prepare and apply for certification by the American Board of Pathology; that he return for consideration of extension of his present license or full license in June, 1950. At that time he should bring either Dr. E. C. Ashby or Dr. M. S. Martin who promoted him before, and one other representative of his county medical society.

RE: DR. ROSALIND V. FERGUSON

Dr. Ferguson, graduate of Oxford University, England, who was granted a limited medical license to practice medicine in Durham-Orange Counties, North Carolina, for one year, appeared and requested extension of said license.

RESOLVED: That Dr. Rosalind V. Ferguson's medical license, limited to Durham-Orange Counties, North Carolina, be extended for a period of one year.

Applicants for licensure by endorsement of credentials were interviewed and twenty physicians were granted medical license as follows:



<u>NAME</u>	<u>MEDICAL COLLEGE</u>	<u>ADDRESS</u>
Calvin Crawford Applewhite	Vanderbilt University	Raleigh, N. C.
Eugene Jacob Balaanoff	Tufts College	Durham, N. C.
Thomas Barger Clay, Jr.	University Buffalo	Buffalo, N. Y.
William Ralph Counts	Medical College Va.	Enfield, N. C.
Thomas Worth Crowell	Washington Univ.	Durham, N. C.
James Kenneth Fancher (Limited)	Emory University	Atlanta, Ga.
Norma Ware Holt	Duke University	Durham, N. C.
Michael Francis Keleher	University Colorado	Iowa City, Iowa
Thomas Francis Kelley, Jr.	Duke University	Albemarle, N.C.
Leslie Charles Koch	George Washington U.	Rocky Mount, N.C.
Ferdinand Wayne Lee	Univ. Maryland	Charlotte, N. C.
Percy John McElrath	Medical College Va.	Raleigh, N. C.
Henry Hale Nicholson, Jr.	Duke University	Richmond, Va.
Ellsworth Howard North, Jr.	Univ. Maryland	Elizabeth City, N.
William George Peacher	Syracuse University	Syracuse, N. Y.
John Beanard Pfeiffer, Jr.	Cornell University	Hollis, N. Y.
Matthew Alfred Stroup, Jr.	George Washington U.	Cherryville, N.C.
Charles McClellan Suttles	Jefferson Med. Coll.	Fayetteville, N.C.
James Tidler	Medical College Va.	Washington, D.C.
Russell Kenneth Williams	Hahnemann Med. Coll.	Shelby, N. C.

RE: DR. JAMES KENNETH FANCHER

Dr. Fancher, who resides in Atlanta, Georgia, was granted medical license by endorsement of credentials limited to the County of Jackson, North Carolina. Dr. Fancher desired medical license in this state due to the fact that he resides in said county during the summer months.

RE: DR. WALTER WILLIAM HEATHER

Dr. Heather, who resides in Cincinnati, Ohio, was declined medical license by endorsement of credentials due to the fact that he stated it would be five years before he would be ready to move to this state. He was requested to re-apply when he was ready to move to North Carolina.

RE: DR. JOHN S. STONE

Dr. Stone was subpoenaed to appear before the Board of Medical Examiners because he had not complied with the order of the board of October 20th, 1947, to report to Dr. M. D. Bonner, Jamestown, North Carolina, every thirty days to show his compliance with this order. Dr. Stone stated that he had rehabilitated himself; that he misinterpreted the telegram sent to him in July, 1948, by the secretary of the board that he was not to appear before the board at its July meeting.

The following is a report from the Bureau of Narcotics under date of April 23rd, 1949, which investigation was made at the request of the secretary of the Board of Medical Examiners:

"On April 22, 1949, I proceeded to Leaksville, N. C., and there interviewed Dr. Carl V. Tyner who is in charge of the Leaksville Hospital. This physician stated that he had not seen Dr. Stone for quite awhile and suggested that I see Mr. Tom Meeks, Chief of Police, Leaksville, N. C.



"I interviewed Mr. Tom Meeks, who stated that Dr. Stone was getting along all right, looking after his practice and in his opinion was not using any kind of drugs. He further stated that Dr. Stone appears more friendly and more like himself since he is about to get his divorce and start anew.

"Mr. N. H. McCollum, Jr., owner of the Carolina Drug Co., Leaksville, N. C., stated that Dr. Stone was working hard, had a large practice, and in his opinion was not using drugs of any kind.

"Mr. A. E. Sink, who operates the Firestone store in Leaksville, N. C., stated that Dr. Stone was working hard, taking care of his practice and in his opinion was not using any kind of drugs or drinking anything that contained alcohol.

"Mr. John Smith, Mayor of Leaksville, N. C., was also interviewed and who stated that Dr. Stone had reclaimed himself and doing a fine job now, and that he was quite sure that he was not using drugs of any kind or drinking anything with alcohol.

"Dr. John S. Stone was interviewed at his office in Leaksville, N. C. This physician appeared in very good spirit and stated that he was working hard and has had no desire for drugs of any kind. He also stated that he was very thankful to this Bureau in the way they handled his case, also to the State Medical Board.

"Dr. Stone asked if he could not secure his narcotic license, in order that he could write prescriptions containing a narcotic drug, that he did not care to have any order forms to purchase narcotic drugs. It was suggested that wait until the latter part of May or the first part of June 1949, as the new licenses were issued as of July 1, 1949, and he could submit his application then for approval. This he readily agreed.

"This physician has had quite a lot of domestic trouble. His wife now resides in New Jersey and a divorce is expected within the next few months. According to very reliable information, while Dr. Stone was overseas with the Army, his wife drank quite a bit. She has been removed from beer parlors by the police in a very intoxicating condition. Their home caught fire by her falling asleep with a cigarette and their youngest son died in his crib from suffocation. Upon his return (Dr. Stone) from overseas to Leaksville, N. C., separation papers were filed with the Clerk of the Court. Mrs. Stone has returned to Leaksville several times threatening each time to take their son the oldest, now 5 years of age, out of the State. I understand that the sum of \$7500.00 has already been paid to Mrs. Stone and when the divorce becomes final she will receive another \$7500.00.

"It is my opinion that Dr. Stone is at present free from the use of narcotic drugs and barbiturates, and appears to have made up his mind to do good from now on."

RESOLVED: That Dr. John S. Stone appear before Dr. M. D. Bonner, Jamestown, North Carolina, every 60 days to show compliance with the order of the board of October 20th, 1947.

RE: DR. WILLIAM HAPPER

Dr. Happer, graduate of the University of Edinburgh Medical School, Scotland, in 1925, appeared before the Board of Medical Examiners in an effort to procure a medical license to practice in North Carolina. He stated that he wished to take the written examination.



Dr. Happer's credentials revealed that he is a well trained physician.

Dr. J. W. R. Norton advised the board that he would give him a position if the same were approved by the board. Dr. Happer stated that if he were allowed to work for the State Board of Health that he wished to be properly licensed. Dr. Happer's wife is a native North Carolinian and a physician.

Dr. R. B. McKnight moved that Dr. William Happer be permitted to serve for a period of one year in the Health Department of the State of North Carolina under the direction of Dr. J. W. R. Norton, this service being the equivalent of a year's interne work. This motion was duly seconded and passed unanimously.

RE: DR. LOUIS NOVAK

Dr. M. A. Pittman moved that Dr. Louis Novak be permitted to serve for a period of one year in the Health Department of the State of North Carolina under the direction of Dr. J. W. R. Norton, this service being the equivalent of a year's interne work. This motion was duly seconded and passed by a vote of four to two.

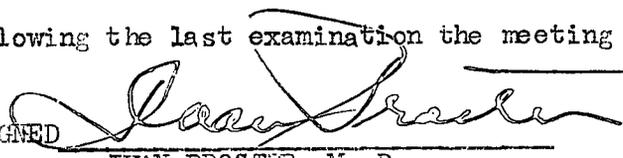
The Minutes of the meeting of May 9th, 1949, were approved as read.

The board directed the secretary to begin preparation of all pending data with a view of having the same ready for presentation to the new board in 1950.

The meeting was adjourned.

Saturday, June 25th, following the last examination the meeting was adjourned.

SIGNED


 IVAN PROCTER, M. D.
 Secretary-Treasurer



MEETING OF THE BOARD OF MEDICAL EXAMINERS
OF NORTH CAROLINA

Atlantic Beach Hotel, Morehead City, North Carolina
July 22-23rd, 1949

The Board of Medical Examiners of the State of North Carolina met at the Atlantic Beach Hotel, Morehead City, North Carolina, July 22-23rd, 1949, for consideration of licensure by endorsement of credentials and for the purpose of reviewing the grades of examinees at the written examination on June 23-25th, 1949, and other business.

The board convened at 8 P. M. June 22nd and the meeting was called to order by Dr. Thomas Leslie Lee, President. Drs. Charles W. Armstrong, M. D. Bonner, R. B. McKnight, Paul G. Parker, Ivan Procter, Secretary-Treasurer, and Mrs. Louise J. McNeill, Assistant Secretary-Treasurer, were present.

The agenda for the meeting was discussed, grades were reviewed, and the credentials for applicants for licensure by endorsement were studied.

The meeting was adjourned.

The board convened at 9 A. M. June 23rd and all members were present.

Applicants for licensure by endorsement of credentials were interviewed and 15 physicians were granted medical license as follows:

<u>NAME</u>	<u>MEDICAL SCHOOL</u>	<u>ADDRESS</u>
Cassel, Chester	Columbia Univ.	Durham, N. C.
Davis, Richard Tuthill	Northwestern Univ.	Rocky Mount, N. C.
Coggeshall, Allan Bancroft	Rush Med. Coll.	Pleasantville, N. Y.
Hunter, Herbert Stewart	Jefferson Med. Coll.	Cleveland, Ohio
Kratz, Richard Peter	Univ. So. Calif.	Durham, N. C.
Ogle, Ben Caswell, Jr.	Columbia Univ.	Washington, D. C.
Patterson, Grover Smith	Duke Univ.	Kannapolis, N. C.
Powers, Douglas Fuller	Baylor Univ.	Jefferson, N. C.
Rabun, John Brewton	Univ. Georgia	Fayetteville, N. C.
Schutt, Charles Harden	Indiana Univ.	Ft. Bragg, N. C.
Stanley, Sherburn Moore	McGill Univ.	Asheville, N. C.
Steelman, Harry Francis	Duke Univ.	Madison, Wisc.
Stoeckle, John Duane	Harvard Univ.	Montreat, N. C.
Taylor, James Alexander	Harvard Univ.	Oxford, N. C.
Ward, Joseph Major	Duke Univ.	Robersonville, N. C.

RE: DR. PAULINE C. MARKS

Dr. Pauline C. Marks of Pittsburgh, Pennsylvania appeared and requested medical licensure by endorsement with the State of Pennsylvania. She stated that she planned to buy property in Hendersonville and practice medicine while vacationing there; that she would not be ready to locate in North Carolina for several years.

Dr. M. D. Bonner moved that granting of medical license to Dr. Pauline C. Marks be postponed until such time as she begins a residence in North Carolina. This motion was duly seconded and passed unanimously.

Dr. Marks was so advised of the action of the board.



RE: DR. J. D. REESE

Dr. J. D. Reese, pathologist at the North Carolina Sanatorium, McCain, North Carolina, appeared and requested that though his credentials were not completed, he be allowed to expedite medical licensure by a personal appearance at this time. The board directed that he be granted medical license when his credentials are properly completed.

RE: DR. JUDGE B. DAVIS

A hearing was held in the matter of Dr. Judge B. Davis, negro, of Fuquay Springs, North Carolina, a graduate of Meharry Medical College in 1915. Dr. Davis was summonsed to appear before the Board of Medical Examiners on account of his trial and conviction at the June Criminal Term 1949 in the Superior Court of Wake County. Dr. Davis appeared with his attorney, Mr. Robert A. Cotten.

Mr. James K. Dorsett, Attorney for the Board of Medical Examiners, introduced a certified copy of the judgment in the Superior Court, Notice of Hearing and Accusation, and the ruling of the Attorney General with reference to the court revoking medical license, which are as follows:

"STATE OF NORTH CAROLINA)	
VS)	
DR. J. B. DAVIS (No. 7239))	<u>JUDGMENT</u>
(No. 7238))	

"The two cases as entitled above were calendared for trial at the instant term of court. In case 7239 there was a trial and a verdict of guilty with a recommendation for mercy upon a charge of abortion. In case 7238 there was a bill of indictment charging the defendant with manslaughter, to which he entered a plea of nolo contendere. The two cases are consolidated for the purpose of this judgment by consent of the state and the defendant in the cases.

"In case 7239, upon the verdict of Guilty based upon the indictment charging the defendant with the crime of abortion, it is the judgment of the court that the defendant be confined in the State's prison for a term of three (3) years. In case 7238, upon the defendant's plea of nolo contendere upon a charge of manslaughter, it is ordered that he be confined in the State's prison for a term of three (3) years, sentence to begin at the expiration of the sentence imposed in 7239.

"The jury having recommended mercy and the defendant having offered many witnesses in support of his character and it appearing to the court that he is a man of good character with the exception of the reputation which he has for performing abortions and the court being conscious of the fact that the State Board of Medical Examiners will revoke his license, it is

"ORDERED that the foregoing sentences, amounting to six (6) years, remain suspended and the defendant will be put upon probation for a period of five (5) years under sentence in 7239 and an additional period of five (5) years under sentence in 7238, which judgment of probation will be prepared and signed by the court as a part of the record in this case.

"A further condition of this judgment is that, the defendant surrender his license to practice medicine in the State of North Carolina and he is not permitted to practice medicine in said State until said license is restored by the State Board of Medical Examiners.

"On account of the fact that the court was given a recommendation of mercy



on the part of the jury, the defendant has been given what the court conceives to be the least punishment that could be inflicted in this case, with justice to the State and the public at large.

"The defendant will be taxed with the costs in the two actions.

HENRY G. GRADY, JUDGE PRESIDING"

"NOTICE OF HEARING AND ACCUSATION

"You are hereby summonsed and notified to appear before the Board of Medical Examiners of the State of North Carolina at its meeting at the Atlantic Beach Hotel, Morehead City, North Carolina, on July 23rd, 1949, at eleven o'clock A. M., to answer to the following charges which are preferred against you by said board, to-wit:

"That at the June Criminal Term, 1949, in the Superior Court of Wake County, you were indicted, tried and found guilty of the crime of abortion, and sentence was imposed that you be confined in the State's Prison for a term of three years.

"That at the same Criminal Term you entered a plea of nolo contendere to a charge of manslaughter, and sentence was imposed that you be confined in State's Prison for a term of three years, beginning at the expiration of the foregoing sentence.

"That the Presiding Judge ordered that both the above sentences be suspended upon a five year probationary period in each instance. That the judgment also recited "A further condition of this judgment is that the defendant surrender his license to practice medicine in the State of North Carolina, and he is not permitted to practice medicine in said State until said license is restored by the State Board of Medical Examiners."

"That you have therefore been charged with and convicted of felonies and criminal offenses involving moral turpitude.

"You are hereby notified that at aforesaid time and place and before said Board of Medical Examiners of the State of North Carolina, you will be given an opportunity to answer to the above charges and accusations and to be heard with reference thereto, 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 so desire, file an answer to above charges and allegations with the secretary of the Board of Medical Examiners of the State of North Carolina, 226 Hillsboro Street, Raleigh, North Carolina.

"You are further notified that after said hearing and at said meeting the Board of Medical Examiners of the State of North Carolina will take such action as it may deem necessary and proper with regard to the revocation of your license heretofore issued by said board to practice medicine in the State of North Carolina, pursuant to general Statutes of North Carolina, section 90-14.

"You are further notified that if you admit the above charges and do not wish to contest the same before the board, and will so advise the secretary of the board, it will not be necessary for you to present yourself before the board at said meeting, but that the board will at said hearing take such action as it deems necessary and proper regarding the revocation of your license to practice medicine in North Carolina.

"Witness my hand and official seal this 30th day of June, 1949.

SEAL

IVAN PROCTER, M. D., Secretary
BOARD OF MEDICAL EXAMINERS OF THE STATE OF
NORTH CAROLINA
By: Louise J. McNeill, Assistant Secretary"

RULING OF ATTORNEY GENERAL McMULLAN:

"I do not know of any statutory authority for the Judge of the Superior



Court to revoke a license granted by the Board of Medical Examiners to a physician. The presiding Judge would have the authority, upon a conviction, to suspend the judgment upon the condition that the defendant shall not thereafter engage in the practice of medicine, upon a violation of which the sentence of the Court could be imposed, but this is the only authority I know of that the Court could have in such a matter. I believe it is the duty and prerogative of your board to revoke the license under the provisions of the statute which I have cited."

Mr. Robert A. Cotten, Attorney for Dr. Davis, presented SBI evidence and an affidavit used in the trial. Mr. Dorsett advised that the board could not consider said affidavit since the witness was not present; that it was hearsay evidence, and that the SBI evidence would not be considered by the board. Several affidavits and a petition signed by approximately 200 people on behalf of Dr. Davis were presented by Mr. Cotten.

Dr. Davis spoke to the board and denied that he had at anytime performed illegal abortions. He stated that his conscience was clear. He placed himself at the mercy of the board.

Mr. Cotten stated, when asked by Mr. Dorsett, that he did not plan to perfect an appeal to the Supreme Court from the conviction in the Superior Court. He advised that at the close of 60 days allowed Dr. Davis by the court to get his business in order that Dr. Davis would surrender his medical license.

The following is the order of the Board in the case of Dr. Davis:

"RE: J. B. DAVIS, M. D. ORDER

"Pursuant to written notice and summons duly served upon the above-named J. B. Davis, M. D., a hearing was held before the Board of Medical Examiners of the State of North Carolina on July 23, 1949, at the Atlantic Beach Hotel, Morehead City, North Carolina, upon charges and accusations filed and made by the Board against Dr. Davis. The Board received affidavits and heard testimony of Dr. Davis and argument by his counsel, Mr. Robert Cotten. There was presented in evidence a duly certified transcript of a judgment rendered at the June 1949 Criminal Term of Wake County Superior Court, wherein Dr. Davis was adjudged guilty of the separate crimes of abortion and manslaughter, and sentences were imposed upon each conviction. At the termination of the hearing, the Board of Medical Examiners concluded and determined that Dr. J. B. Davis had been convicted in the Wake County Superior Court of felonies and criminal offenses involving moral turpitude, within the provisions of General Statutes 90-14, and as alleged in the charges and accusations made and filed by the Board herein; and

"At said meeting the Board of Medical Examiners of the State of North Carolina resolved that the medical license of Dr. J. B. Davis be suspended and revoked for an indefinite period, and that in the event Dr. Davis failed to surrender his medical license to the Board on or before August 12, 1949 as ordered by the said judgment of the Wake County Superior Court, then the medical license of Dr. Davis should stand revoked as of August 13, 1949.

"It is therefore, pursuant to the foregoing action and resolution of the Board of Medical Examiners of the State of North Carolina, ordered and decreed that Dr. J. B. Davis be and he is hereby directed to surrender to the Secretary of the Board of Medical Examiners his medical license heretofore issued by the Board on or before August 12, 1949, and upon failure to comply with this order the medical license of Dr. Davis is revoked as of August 13, 1949.

"This 23rd day of July, 1949.

Attest:

Ivan Procter, M. D.,
Secretary"

THOMAS LESLIE LEE, M. D., President
Board of Medical Examiners State of
North Carolina



RE: DR. HOWARD WALKER

Dr. Walker was granted license, limited to Polk County, North Carolina, on May 9th, 1949, at which time he stated that he desired to practice radiology in said county, but would not move his residence to North Carolina. Dr. Walker has called the secretary on the telephone, has written several letters expressing dissatisfaction with his limited license, and has also reported his dissatisfaction to the Texas Board of Medical Examiners, he having requested endorsement from said board. Dr. Walker was advised by the secretary on the telephone that at any time he desired to move his residence to North Carolina he might apply for unlimited license. The following ruling was procured from the Attorney General with reference to the action of the Board of Medical Examiners:

"It appears that it has been your custom to grant non-resident physicians, residing in adjoining states, a limited license to practice in a certain county or counties. It appears that now a certain physician, who is a radiologist, is dissatisfied with his limited license since he desired to practice in a certain hospital and was granted a limited license only to the county in which this hospital was located.

"You inquire whether or not the Board's action in this instance from a legal standpoint, is regular and reasonable.

"In the absence of a limited license, physicians or surgeons resident in neighboring states can come into this state for consultation with a registered physician of this state. See G. S. 90-18. This means, of course, casual, irregular or intermittent trips for the purpose of consultation. Other than this situation, there are but two choices open to a non-resident physician: He can move to this state and become a resident and be granted his license without examination as provided by G. S. 90-13; If he does not move to this state and obtain license without examination but intends to practice in certain counties, then the only method open to him under our laws is to be granted a limited license under G. S. 90-12.

"In my opinion, therefore, your Board has taken the only course with this physician that it could lawfully take and in my opinion, your Board has acted in a regular and reasonable manner. I say, without hesitation, that I do not see how your Board can justifiably be criticized in handling the matter by this method."

The board directed the secretary to advise Dr. Walker that the action of the board on May 9th, 1949, with reference to his medical license in the State of North Carolina was final.

RE: CANADIAN MEDICAL COUNCIL - RECIPROCAL RELATIONS

The matter of establishing reciprocal relations for medical licensure was discussed and the secretary was directed to proceed to procure pertinent data in this connection.

RE: DR. OSCAR ADOLPH KAFER

The following letter under date of July 15th, 1949, from the Bureau of Narcotics with reference to Dr. Kafer was presented to the board:

"On June 29, 1944 one of our agents reported that an inspection of Dr. Kafer's duplicate order forms disclosed that he had purchased 400 one-fourth grain and 500 one-eighth grain morphine tablets during the period from January 25, 1943 to January 3, 1944. The



doctor stated that he had administered these tablets at the bedside of patients. Correspondence had with Dr. Kafer's father in May 1944 indicated that Dr. Kafer's admission to the U. S. Public Health Service Hospital, Lexington, Kentucky, was being requested. Dr. Kafer surrendered his narcotic special tax stamp and promised not to reregister under the Federal narcotic law for an indefinite period.

"In September 1944 Dr. Kafer requested a renewal of his narcotic registration. Our agent interviewed him on October 3, 1944 at which time the doctor stated that he had not used any narcotics since July 1, 1944, that on July 22, 1944 he had entered the U. S. Public Health Service Hospital at Lexington in order that he could have a check up, and that he had remained in this institution until August 10, 1944. He advised the agent that he was applying for narcotic registration so that he could prescribe narcotic drugs for patients on whom he performed operations. His application for narcotic registration was subsequently approved.

"On December 11, 1944 another one of our agents had occasion to interview this physician's father, Dr. Oswald O. Kafer, Edward, North Carolina, who stated that Dr. Oscar A. Kafer had become addicted to narcotics as a result of an automobile accident in November 1937; that he (the father) had sent his son to the U.S. Public Health Service Hospital in Lexington, Kentucky, during July 1944; that his son wrote to him asking if he could come home and be treated, and that he (the father) had thereafter treated his son for drug addiction at home with the result that the son had used no narcotics since August 1944.

"On July 22, 1948, our agent who had checked the records of Dr. Oscar A. Kafer in June 1944 called at the doctor's office and found him very unsteady on his feet. Dr. Kafer explained that he had been up half the night and had just taken "a big slug" of Scotch and soda, together with two seconal tablets. He stated that he had used no narcotic drugs since his treatment for drug addiction in 1944, except on one occasion when he prescribed four ampoules of demerol for a patient and administered two of them to himself because of an abscess on his back. During the conversation the doctor's wife entered the room, accused him of being a drug addict and told him to surrender his narcotic registration as his father had told him to do. Thereupon Dr. Kafer surrender his narcotic special tax stamp and agreed not to reregister under the Federal narcotic law for one year.

"On October 24, 1948, in St. Louis, Missouri, Dr. Kafer issued a prescription for six demerol tablets, 50 mgm. each, in the name of J. A. Rowe and signed the name of John V. Lawrence, M. D. Dr. Kafer was identified as the writer of this prescription because on the previous day he had issued a prescription in his own name for six nembutal capsules, 3/4 grain each. Federal narcotic agents questioned Dr. Kafer, who stated that he had come to St. Louis three weeks previously for treatment by plastic surgery of his fingers which were in bad condition from x-ray burns. A part of the middle finger had been amputated and plastic surgery used with success, but it now appeared that the middle finger might have to be amputated. Dr. Kafer stated that on Sunday, October 24, 1948, he was unable to locate either of the two surgeons attending his case and the pain in his hand was so great that he wrote and passed a prescription for six demerol tablets, using a prescription blank belonging to Dr. Lawrence, which he had picked up several days previously while having his hand dressed by one of the surgeons. It appears that Dr. Lawrence occupied the same suite as the two surgeons. It



was reported that upon seeing the serious condition of Dr. Kafer's hand, Dr. Lawrence wrote a legitimate prescription for the six demerol tablets and stated that he would not testify against Dr. Kafer for issuing the false prescription. Dr. Kafer falsely claimed to the narcotic agent that he was registered under the Federal narcotic law at New Bern, North Carolina. No criminal action was taken against Dr. Kafer in the matter.

"We have no later information in our files concerning this physician except that he has now applied for reregistration under the Federal narcotic law, a fact which was brought to your attention by our District Supervisor in Baltimore, Maryland."

The board directed that the secretary report Dr. Kafer's alleged addiction to the Board of Censors of the Craven County Medical Society and request that Narcotic Agent W. H. Atkinson bring the investigation of Dr. Kafer up to date.

RE: DR. W. R. YOUNG

Dr. Paul G. Parker reported that Dr. Young is doing well.

Dr. R. B. McKnight moved that the next meeting of the Board of Medical Examiners be held at the Grove Park Inn, Asheville, October 17th. This motion was duly seconded and passed.

Dr. R. B. McKnight moved that all grades under 80 be reconsidered and that those making 80 or above be given the press and that it be stated to the press that said papers were being reconsidered; that the announcement would be made at the next meeting of the board. This motion was duly seconded and passed unanimously.

Dr. M. A. Pittman moved that the race of the man who made the second highest grade be indicated in the release to the press. This motion was duly seconded and passed four to three.

The following physicians were granted license by virtue of written examination:

<u>NAME</u>	<u>MEDICAL SCHOOL</u>	<u>ADDRESS</u>
Abbott, Robert West	Tufts College	Goldsboro, N.C.
Barnes, Major Russell, Jr.	Bowman Gray	Wilmington, N.C.
Bennett, Sara Elizabeth	Univ. Maryland	Baltimore, Md.
Biggs, Dennis Walter, Jr.	Bowman Gray	Lumberton, N.C.
Bland, William Herbert	Bowman Gray	New Bern, N. C.
Boone, Alexander White, Jr.	Duke Univ.	Durham, N. C.
Bradford, Edward	Univ. Maryland	Cedartown, Ga.
Brunt, Manly Yates, Jr.	Bowman Gray	Winston-Salem, NC
Clark, Clarence Ford, Jr.	Bowman Gray	Philadelphia, Pa
Clarke, Len Gordon	Bowman Gray	Draper, N.C.
Coles, Alfred Lee	Meharry Med. Coll.	Fayetteville, N.C.
Crow, John Buren	Bowman Gray	Raleigh, N. C.
Dickerson, Andrew Jackson	Tufts College	Monroe, N. C.
Dillard, Peter Harrison	Harvard Univ.	Winston-Salem, NC
Duffy, Philip Edward	Columbia Univ.	New York, N. Y.
Edmondson, William Ridley, Jr.	Howard Univ.	Raleigh, N. C.
Eubanks, Otha Albert, Jr.	Univ. Maryland	Durham, N. C.
Farris, George William	Washington Univ.	Charlotte, N. C.
Fernandez, Frank Louis	Bowman Gray	Winston-Salem, NC
Fisher, Joseph Franklin	Bowman Gray	Clinton, N. C.
Fountain, Elbert Bernard	Howard Univ.	Winston-Salem, N
Froemming, William Eugene	Univ. Chicago	Charlotte, N. C.
Gentry, William Harold	Duke Univ.	McCain, N. C.
Glenn, Leland Kirk	Bowman Gray	Hickory, N. C.



<u>NAME</u>	<u>MEDICAL SCHOOL</u>	<u>ADDRESS</u>
Hedberg, Louis Allen	Bowman Gray	Mayodan, N. C.
Henry, Ozmer Lucas, Jr.	Bowman Gray	Lumberton, N.C.
Hood, Richard Thornton, Jr.	Bowman Gray	Kinston, N. C.
Isley, Joseph Keener	Bowman Gray	Greensboro, N. C.
Johnson, Ruth Smith	Bowman Gray	Detroit, Mich.
Johnson, Walton Richard	Howard Univ.	Washington, D.C.
Joyner, Claude Reuben, Jr.	Univ. Penn	Winston-Salem, NC
Lee, John Woodrow	Howard Univ.	Winston-Salem, NC
Leeds, Robert Melvin	Bowman Gray	Brooklyn, N. Y.
Lipton, Edgar Louis	Bowman Gray	Chicago, Ill.
Maher, Robert William	Bowman Gray	Winston-Salem, NC
Martin, Harry Imman	Howard Univ.	Washington, D. C.
Martinat, Edwin Henry	Bowman Gray	Lenoir, N. C.
Matthews, Mary Elizabeth	Univ. Maryland	Raleigh, N. C.
Mayo, Joseph Dixon, Jr.	Univ. Penn	Henderson, N. C.
Miller, James Allison	Howard Univ.	Winston-Salem, NC
Moorman, Lemuel Talbott	Bowman Gray	Bethesda, Md.
Moseley, Dan Parrott	Jefferson	Kinston, N. C.
McKeel, Millard Filmore	Univ. Illinois	Washington, N. C.
McLaurin, Daniel Archie, Jr.	Univ. Georgia	Mooreville, N.C.
Nance, John Wesley	Bowman Gray	Graham, N. C.
Newborg, Barbara Carol	Johns Hopkins	Durham, N. C.
Newitt, Thomas Royal	Jefferson	Raleigh, N. C.
Nichols, Reuben Richard	Howard Univ.	Washington, D. C.
Noel, Essex Crystol III	Meharry Med. Coll.	Durham, N. C.
Pace, Charles Taylor	Jefferson	Greenville, N.C.
Palmer, Etna Little	Bowman Gray	Thomasville, N.C.
Pate, James Lloyd	Bowman Gray	Fayetteville, N.C.
Peete, William P. J.	Harvard Univ.	Warrenton, N. C.
Phillips, Charles A. Speas	Northwestern Univ.	Chapel Hill, N.C.
Pittman, Robert Raikes	Univ. Maryland	Fairmont, N. C.
Preisinger, John Joseph, Jr.	Georgetown Univ.	Badin, N. C.
Quick, Clifton Mason	Howard Univ.	Fayetteville, N. C.
Ramm, Emery Louvelle	Meharry Med. Coll.	Charlotte, N.C.
Reid, William Joseph	N. Y. Med. Coll.	Mebane, N. C.
Rosen, Robert Reuben	Univ. Maryland	Asheville, N. C.
Scott, Peter Somers	Univ. Louisville	Burlington, N. C.
Shafer, Irving Everett, Jr.	Med. Coll. Va.	Salisbury, N. C.
Sharp, James Vance	Bowman Gray	Reidsville, N.C.
Sheps, Cecil George	Univ. Manitoba	Chapel Hill, N.C.
Silverman, Seymour Bertram	McGill Univ.	Durham, N. C.
Sinnette, Calvin Herman	Howard Univ.	New York, N. Y.
Smedberg, George Andrew	Univ. Louisville	Atlanta, Ga.
Smith, Loy Connell	Bowman Gray	Fuquay Spgs, N.C.
Spangler, Harold Benjamin	Bowman Gray	Atlantic City, NJ
Sweemey, Edgar Chew	Jefferson	Winston-Salem, NC
Thompson, Dolores MacGillis	Bowman Gray	Lexington, Ky.
Tuttle, James Gray	Bowman Gray	Raleigh, N. C.
Tuttle, Robert Lewis	Univ. Rochester	Winston-Salem, NC
Vandiver, Clayton Jeter	Univ. Penn	Hendersonville, NC
Walker, Harry Gordon	Univ. Virginia	Bessemer City, NC
Walker, William Thomas	Med. Coll. Va.	Brown Summit, NC
Warner, Charles Lloyd	Vanderbilt Univ.	Sylacauga, Ala
Warren, Sarah Lou	Med. Coll. Va.	Prospect Hill, NC
Willie, James Oliver	Meharry Med. Coll.	Smithfield, N.C.
Will, Thomas Augustine	Bowman Gray	New Baltimore, Pa
Willingham, Richard Baynard	Univ. Penn	Winston-Salem, NC
Zientek, Leon Thomas	Jefferson	Reading, Pa



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Dr. Procter moved that applicants for licensure by written examination be required to pass individually and separately Part I and individually and separately Part II. This motion was duly seconded and passed five to two.

The following letter was submitted from Dr. Allyn B. Choate, Chairman of the Rehabilitation Committee of the North Carolina State Medical Society:

"There is a test that can be run for barbiturates. The easiest one, and the one that is very reliable is to use the urine. Very few laboratories have this set up; however, we can have the test done here in Charlotte at the cost of five dollars for each test.

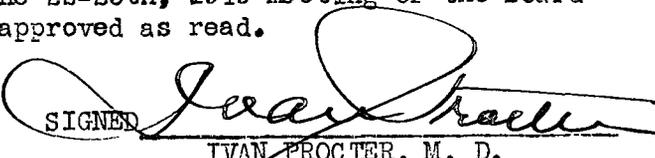
"The Mental Hygiene Committee has a limited amount of money, and last year we used thirty dollars of this money to run these tests. So with what we can scrape and with what you can probably give us, we could have sufficient tests run to keep a check on these patients.

"Of course it is needless to say that the specimens should be collected at an unspecified time so that the doctor will be caught off guard."

Dr. R. B. McKnight moved that the Board of Medical Examiners co-operate with the Rehabilitation Committee and pay a fee of five dollars for a test to be run on barbiturate addicts. This motion was duly seconded and passed unanimously.

The minutes of the June 22-25th, 1949 meeting of the Board of Medical Examiners were approved as read.

SIGNED


IVAN PROCTER, M. D.
Secretary-Treasurer



