

MINUTES

North Carolina Medical Board

January 21-23, 2004

**1203 Front Street
Raleigh, North Carolina**

Minutes of the Open Sessions of the North Carolina Medical Board Meeting January 21-23, 2004.

The January 21-23, 2004, meeting of the North Carolina Medical Board was held at the Board's Office, 1203 Front Street, Raleigh, NC 27609. The meeting was called to order at 8:06 a.m., Wednesday, January 21, 2004, by Stephen M. Herring, MD, President. Board members in attendance were: Charles L. Garrett, MD, President Elect; Robert C. Moffatt, MD, Secretary; H. Arthur McCulloch, MD, Treasurer; E. K. Fretwell, PhD; Robin N. Hunter Buskey, PA-C; Michael E. Norins, MD; Janelle A. Rhyne, MD; George L. Saunders, III, MD; Ms. Shikha Sinha; Edwin R. Swann, MD; and Mr. Aloysius P. Walsh.

Staff members present were: R. David Henderson, JD, Executive Director; Thomas W. Mansfield, JD, Legal Department Director; Mary Wells, JD, Board Attorney; Brian Blankenship, JD, Board Attorney; Marcus Jimison, JD, Board Attorney; Amy Bason, JD, Board Attorney; Ms. Wanda Long, Legal Assistant; Ms. Lynne Edwards, Legal Assistant; Mr. Curtis Ellis, Investigative Department Director; Don R. Pittman, Investigator/Compliance Coordinator; Mr. Edmund Kirby-Smith, Investigator; Mr. Fred Tucker, Investigator; Mrs. Therese Dembroski, Investigator; Mr. Jason Ward, Investigator; Mr. Loy C. Ingold, Investigator, Mr. Bruce B. Jarvis, Investigator; Ms. Jenny Olmstead, Senior Investigative Coordinator; Ms. Myriam Hopson, Investigative Coordinator; Mr. Dale Breaden, Director of Communications and Public Affairs; Ms. Dena Marshall, Public Affairs Assistant; Mrs. Joy D. Cooke, Licensing Director; Ms. Alexa Kapetanakis, PA/NP Coordinator; Ms. Michelle Lee, Licensing Assistant; Tammy O'Hare, GME Coordinator; Ms. Kelli Singleton, Licensing Assistant; Jesse Roberts, MD, Medical Director; Ms. Judie Clark, Complaint Department Director; Mrs. Sharon Squibb-Denslow, Complaint Department Assistant; Ms. Sherry Hyder, Complaint Summary Coordinator; Ms. Patricia Paulson, Malpractice/Medical Examiner Coordinator; Mr. Hari Gupta, Operations Department Director; Mrs. Deborah Aycock, Registration Coordinator; Ms. Rebecca L. Manning, Database Coordinator; Mrs. Janice Fowler, Operations Assistant; Mr. Peter Celentano, Comptroller; Mr. David Shere, Receptionist; Mr. Donald Smelcer, Technology Department Director; Ms. Pamela Rose, Human Resources Director; and Mr. Jeffery T. Denton, Executive Assistant/Board Recorder/Verification Secretary.

MISCELLANEOUS

Presidential Remarks

Dr. Herring commenced the meeting by reading from Governor Easley's Executive Order No. 1, the "ethics awareness and conflict of interest reminder." No conflicts were reported.

A head-count was taken for planned attendance at the Federation of State Medical Board's Annual Meeting.

Dr. Herring encouraged all Board Members to consider running for some office in the Federation during their tenure as a Board Member. He also called for any resolutions for this year's annual meeting.

Robin N. Hunter Buskey - Nomination for Federation of State Medical Boards Board of Directors

Ms. Hunter Buskey announced that she has submitted her name for nomination for the Federation's Board of Directors. She noted that the Federation's Nominating Committee will be meeting the first weekend in February.

Motion: A motion passed that the Board unanimously endorses Ms. Hunter Buskey's candidacy for the Federation's Board of Directors.

Audit Report

Mr. Lynwood Jackson, CPA, Lynch & Howard

Mr. Jackson reviewed the North Carolina Medical Board Audit for fiscal year 2003. He summarized that it is a clean report with no management letters. His firm will be writing a letter to the State to this affect. Dr. Herring indicated the Board will be adding additional fail-safe measures, which include segregation of duties and check writing oversight.

Motion: (AW, MN) A motion passed to accept the Audit Report as presented.

MINUTE APPROVAL

Motion: A motion passed that the December 17-18, 2003, Board Minutes are approved as presented.

ATTORNEY'S REPORT

A motion passed to close the session to prevent the disclosure of information that is confidential pursuant to sections 90-8, 90-14, 90-16, 90-21.22 and 143-318.11(a) of the North Carolina General Statutes and not considered a public record within the meaning of Chapter 132 of the General Statutes and to preserve attorney/client privilege.

PENDING CASES

A written report on 186 cases was presented for the Board's review. The specifics of this report are not included as these actions are not public information.

Motion: A motion was passed by the Board to approve the report as amended.

A motion passed to return to open session.

PENDING LITIGATION

Mr. Mansfield provided a report to the Board regarding pending litigation in Wake County Superior Court initiated by the Board of Optometry. The details of this discussion are confidential non-public, and subject to the attorney-client privilege.

EXECUTED CASES

AMIR, Guy J., MD

Findings of Fact, Conclusions of Law and Order executed 1/13/2004

BUZZANELL, Charles Anton, MD
Consent Order executed 1/15/2004

FINNEY, Patrick Curtis, MD
Entry of Revocation executed 12/17/2003

HSIEH, Stephen Szu-heng MD
Notice of Charges executed 11/20/2003

LEMAIRE, Pierre-Arnaud P. MD
Consent Order executed 11/5/2003

LOCK, George Joseph PA
Notice of Charges executed 11/20/2003

NIEMEYER, Meindert, MD
Notice of Charges and Allegations executed 1/13/2004

PULIVARTHI, Venkatramanaiah MD
Notice of Revocation executed 12/18/2003

RODINE, Mary Kim MD
Consent Order executed 11/14/2003

SHAFTNER, Kimberly K. MD
Termination of Consent Order executed 1/6/2004

THOMPSON, Jill Ellen, MD
Consent Order executed 1/22/2004

TOBIN, Christopher Gregg MD
Notice of Charges executed 12/18/2003

TUCKER, Peter Loren MD
Consent Order executed 11/20/2003

HEARINGS

ADIX, Michael Lee, DO
Hearing continued

EL-DROUBI, Hazem, MD
Hearing continued

LESZCZYNSKI, Donald Brian, MD
Consent Order executed

LUTZ, Robert Paul, MD
BOARD ACTION: Indefinitely suspend, may not reapply for 6 months

TAUB, Harry Evan, MD

Consent Order executed

PUBLIC AFFAIRS/COMMUNICATIONS PROGRAM REPORT

Dale Breaden, Communications Director, presented his report regarding *Forum*, website hits, media coverage, staff and Board presentations, etc.

EXECUTIVE COMMITTEE REPORT

Stephen Herring, MD; Charles Garrett, MD; Robert Moffatt, MD; Arthur McCulloch, MD; Aloysius Walsh

The Executive Committee of the North Carolina Medical Board was called to order at 11:20 am, Wednesday January 21, 2004 at the offices of the Board. Present were: Stephen M. Herring, MD, Chair; Charles L. Garrett, MD; Harlan A. McCulloch, MD; Robert C. Moffatt, MD; and Aloysius P. Walsh. Members of the staff in attendance were R. David Henderson (Executive Director), Hari Gupta (Director of Operations), and Peter T. Celentano, CPA (Comptroller).

Financials

Mr. Celentano, CPA, presented to the committee the November 2003 compiled financial statements. November is the first month of fiscal year 2004.

Dr. Garrett made a motion to accept the financial statements as reported. Dr. Moffatt seconded the motion and the motion was approved unanimously.

The November 2003 Investment Summary was reviewed and accepted as presented.

Old Business

Board Book Delivery: Mr. Hari Gupta updated the Committee on the status of the procedures in place for mailing the CD's to the Board members each month. The staff is in the process of polling the Board members to determine if the use of Saturday delivery of the CD is required for all Board members. Mr. Gupta made it clear to the Committee that no changes would be made if one wished to continue having the CD delivered on Saturday.

New Business

Woody Jackson, CPA – Lynch & Howard, CPAs: Mr. Woody Jackson, audit partner with the accounting firm of Lynch & Howard, CPAs, presented a draft of the audited financial statements for the fiscal year ending October 31, 2003. Mr. Jackson explained to the Committee that his firm would issue an unqualified opinion with no management letter comments for the year. Mr. Jackson explained to the Committee several areas of internal control that should be addressed, but that these did not rise to the level of requiring comment within a management letter.

Mr. Jackson explained to the Committee the new fraud standards recently adopted under SAS-99. In general, these standards oversee the audit process and the procedures that must be implemented in order to prevent and detect fraud. These steps include overseeing internal control and implementing policies regarding reporting and investigating allegations of suspected improper activities. Mr. Jackson continued by explaining to the Committee the role it plays in preventing fraud.

Mr. Jackson reviewed the summary of accounting functions by employees and explained the importance of segregation of functions in the maintenance of proper internal control.

Mr. Jackson reviewed with the Committee the Balance Sheet at October 31, 2003 and 2002, and the Statements of Revenues, Expenditures and Changes in Retained Earnings, and the Statement of Cash Flows for the years ending October 31, 2003 and 2002.

Dr. Garrett made a motion that the Executive Committee recommends to the full Board that they accept the audited financial statements as presented to the Committee. The motion was seconded and approved unanimously.

Fee Proposal: The Committee discussed the proposal to amend the Medical Practice Act to increase certain Registration and Licensing Fees. Dr. Garrett made a motion to accept the proposal as presented to the Executive Committee. The motion was seconded and approved unanimously.

The meeting was adjourned at 12:05pm.

POLICY COMMITTEE REPORT

Robert Moffatt, MD, Chair; Charles Garrett, MD; Aloysius Walsh; Arthur McCulloch, MD; George Saunders, MD; Janelle Rhyne; MD

The Policy Committee of the North Carolina Medical Board was called to order at 3:05 p.m., Wednesday, January 21, 2004, at the office of the Board. Present were: Robert Moffatt, MD, Chair; Aloysius P. Walsh; Arthur McCulloch, MD; George L. Saunders, MD; and Janelle A. Rhyne, MD. Absent was: Charles L. Garrett, MD. Also attending were: Stephen M. Herring, MD, Board President, Jesse Roberts, MD, Medical Director, NCMB; Thomas Mansfield, JD, Director, Legal Department, NCMB (PC Staff); Amy Bason, JD (PC Staff); Melanie Phelps, JD, North Carolina Medical Society; Dale G Breden, Public Affairs Director, NCMB; Wanda Long, Legal Assistant, NCMB (PC Staff); and Mr Jeffery T. Denton, Board Recorder (PC Staff).

Notes:

- (1) **Recommendation to Board** is the Committee's request for Board consideration of an item.
- (2) **Action** items are related to the Committee's own work or deliberations.
- (3) [] Information within these brackets denotes *background information*

Optometrists Performing Certain Injections (Dr Garrett and Mr Mansfield)

[In September 18, 2002, Dr Pories, then president, thanked the North Carolina Board of Optometry for notifying the Medical Board regarding optometrists treating and managing chalazia. Dr Garrett described chalazia in detail. There was a consensus that the NC Medical Board is concerned about non-physicians performing this procedure. On September 19, 2002, the Medical Board sent a letter to the Board of Optometry stating: "The Medical Board understands from your memorandum of August 13, 2002, to North Carolina Licensed Optometrists (a copy of which is attached) that your Board is preparing to issue 'privileges' to perform certain procedures requiring injections in the practice of Optometry. The Board has reviewed your memorandum and is concerned that the activities contemplated may constitute the unlicensed practice of medicine. The Medical Board wishes to advise your Board that it may take legal action in the event that optometrists perform acts that constitute the practice of medicine."

At the December 2002 Policy committee meeting, Dr Garrett stated that it appeared the optometrists are going to begin training and certifying optometrists to do injections within the next 60-90 days. He believed it was going to happen even though they have been put on notice that that would be a violation of the MPA and the Medical Board would take action. He

requests that Mr Mansfield be authorized to enter into conversation with Mr Loper, who represents the Board of Optometry, to see if we can bring this issue before a judge and get a ruling before the optometrists go forward with the injections. Mr Mansfield indicated he had spoken briefly with Mr Loper and they would like the opportunity to discuss this approach, to try to resolve differences, and to see if there is a way to get a ruling. This will take time and resources. Mr Loper indicated he did not know if the optometrists' current course of action could be held off, but he would be happy to sit down with his clients and see if they would entertain a standstill until "litigation by agreement could occur." He indicated that in his experience it would be hard to get in front of a judge and get a decision in 60-90 days.

Mr Bobbitt, representing the North Carolina Society of Ophthalmologists, commended this approach, saying it could keep anyone from getting hurt.

Mr Mansfield was ultimately authorized to confer with Mr Loper on this matter to see what could be done to facilitate the approach proposed

At the February Policy Committee meeting, Mr Mansfield reported to the Committee on his discussions in closed session. Following that, the full Board passed a motion authorizing Mr Mansfield to continue negotiations and discussions with Mr Loper regarding potential litigation between the Medical Board and the Optometry Board.

At the April Policy Committee meeting, Mr. Mansfield reported that negotiations with Mr. Loper were continuing.

Mr Mansfield's discussion at the June Policy Committee meeting dealt with legal matters and was closed pursuant to NCGS 143-318.11 (a) to discuss prospective litigation and to preserve attorney client confidences. (No written materials were included.)

Mr Mansfield's report was accepted and he was asked to continue the process.

At the August Policy Committee meeting Mr Mansfield's discussion dealt with legal matters and was closed pursuant to NCGS 143-318.11 (a) to discuss prospective litigation and to preserve attorney client confidences. (No written materials were included.)

Mr Mansfield's report was accepted and he was asked to continue the process.

At the October 2003 meeting this item was tabled until the next Policy Committee meeting.]

Action: This item is removed from the Policy Committee Agenda and henceforth will be reported to the Full Board via the Attorney's Report.

Ethical guidelines for the Use of Electronic Mail between Patients and Physicians (Mr Mansfield and Ms Phelps)

[A report from the AMA Council on Ethical and Judicial Affairs titled "Ethical Guidelines for the Use of Electronic Mail Between Patients and Physicians" was presented to the Committee. Dr Garrett stated this report is exhaustive and has several good points. He asked if our licensees might be aided if they had a position statement on this subject.

At the February Policy Committee meeting, Mr Mansfield and Mr Breaden were asked to explore this report with a goal of extracting some precise information for North Carolina licensees on the use of e-mail and privacy issues. Ms Phelps was requested to brief the committee on what the HIPPA implications might be.

At the April committee meeting Ms Phelps was unable to attend and this item was tabled.

At the August committee meeting Ms Phelps reported that she has not had a chance to review this issue as yet.

Ms. Phelps reported that this is associated with security and privacy regulations. The Board's position currently is in line with the HIPPA regulations and the security part of the bundle does not go into effect until 2005. She proposes a *Forum* article to articulate the concerns, pros, cons and pitfalls, and wait until the security regulations associated with HIPPA become clearer. She recommends not implementing a position statement at this time. The Board passed a motion that an article be prepared for the *Forum*. Ms. Phelps has volunteered to write such an article.

At the October 2003 meeting Ms. Phelps reported that the article is a work-in-progress and she will update the committee at a future meeting.]

At the January 2004 meeting Ms. Phelps reported that there is nothing to report at this time due to the continuing changes with HIPPA. The article is on hold at the present time.

Board's Medical Records Statements and HIPPA (Ms Phelps)

[The Medical Board is reviewing the Position Statements due to recent implementation of the new HIPPA rules to ensure the Medical Board's statements are in compliance.

At the June committee meeting Ms Phelps reported to this meeting that she had reviewed the Board's position statements and there are five that are potentially affected. Most are minor but the access to physician records position statement may require a significant change. A team was formed to work on this issue: Mr Mansfield, Ms Yonowitz, Ms Phelps, and Mr Henderson.

At the August Committee meeting the following three revised position statements were presented to the Policy Committee which reviewed, discussed and modified as needed and the Board adopted a motion to approve them: The Physician-Patient Relationship, Access to Medical Records, and Departures Form or Closings of Medical Practices.

At the October meeting Ms. Yonowitz and Ms. Phelps reported that they had sent out some queries for guidance on what actually constitutes the medical record (x-rays, fetal monitoring screens, etc.). They have received some responses and have further queries to make.]

The remaining two Position Statements, *Retention of Medical Records* and *Medical Record Documentation* will be reported on at the March 2004 committee meeting.

Action: Committee members are to review the Position Statement *Retention of Medical Records* and relay any questions or concerns to Ms. Bason or Mr. Mansfield prior to the next committee meeting.

Scope of Nursing Practice

Dr. McCulloch presented the committee with copies of the *North Carolina Board of Nursing Advisory Statements*. This document was distributed at the Allied Health Committee earlier today as a carryover item from 2003.

Action: This item will be added to the next Policy Committee agenda along with any background information available.

PHP Anonymity vs Complaints Relating to Possible Drug and/or Alcohol Abuse

Dr. Moffatt presented a request from the Complaint Committee regarding the issue of how to identify if a complainant is in PHP anonymously when a complaint involves or is the result of drug and/or alcohol abuse. This item will not be added to the Policy Committee at this time. Dr. Moffatt will be discussing this with the PHP director and the Chair of the Complaint Committee.

There being no further business, the meeting adjourned at 4:00p.m. The next regular meeting of the Policy Committee is tentatively set for 3:00PM, Wednesday, March 17, 2004.

ALLIED HEALTH COMMITTEE REPORT

Arthur McCulloch, MD; Robin Hunter-Buskey, PAC; E. K. Fretwell, PhD

Also in attendance: David Henderson, Marcus Jimison, Jennifer Hedgepeth, Melanie Phelps, Alexa Kapetanakis

Pharmacist Proposed Rule for Administering Immunizations – The Allied Health Committee reviewed a revised copy of the proposed pharmacist rules. The revised copy included changes discussed and agreed upon by the committee and NC Board of Pharmacy representatives the December 2003 NCMB Meeting. All of the revisions were accepted. The new set of proposed rules will be circulated to the full Board for their approval at the February 2004 meeting.

PAAC 2004 Proposed Member list – The Allied Health Committee and full Board approved the following list of members for 2004:

Douglas I Hammer, MD
Debbie A Hauser, PA-C
Michelle L Heinan, PA-C
James E Hill, Jr., PA-C
Robin Hunter-Buskey, PA-C
James C Irion, MD
W Ashley Marion, PA-C
H Arthur McCulloch, MD
EK Fretwell, Ph.D
Lisa Shock, PA-C
Bill Vassen, PA-C
Larry Dennis, PA-C
Jim Aderhold, PA-C
Jim Johnson, PA-C

PA Proposed Rule Change Update – The proposed PA rules and all of the comments obtained from the public hearing and comment period have been forwarded to the full Board for approval.

Motion: (MN, CG) A motion passed that the PA Rules are approved and are to be sent to the Rules Review Commission for further processing.

Board of Nursing Advisory Statements – The Board of Nursing Advisory Statements are statements that include activities within and outside the scope of nursing practice for RNs. At the end of 2002 the Allied Health Committee had tabled this agenda item indefinitely, and now

wishes to send the item to the NCMB Policy Committee for discussion. (See Policy Committee minutes.)

APPLICANTS LICENSED

PA (***)Indicates PA has not submitted Intent to Practice Forms)

<u>PHYSICIAN ASSISTANT</u>	<u>PRIMARY SUPERVISOR</u>	<u>PRACTICE CITY</u>
Bradshaw, Sarah	***	
McBride, Nancy	Ahdieh, Masoud	Rockingham
McCoy, Kat	***	
Perry, Christina	***	
Smith, Gregory	***	

PA Applicants to be licensed after receipt of acceptable SBI report-

Brosamer, Kimberly	***	
Clements, Jennifer	***	
Gaddy, Marcia	***	
Hansen, Genevieve	Goodman, David	Fayetteville
McPherson, Anthony	***	
Rappaport, Richard	***	
Ruppe, Elena	***	
Small, Tina	***	

PA - Intent to Practice Forms Acknowledged

<u>PHYSICIAN ASSISTANT</u>	<u>PRIMARY SUPERVISOR</u>	<u>PRACTICE CITY</u>
Airey, Patricia Joyce	Watson, James Stewart III	Rocky Mount
Allen, Amy Marie	Shaftner, Kimberly K.	Princeton
Althisar, Henry Marvin Jr.	Keith, Douglas Charles	Garner
Arcuri, Philip Eugene	Pickett, Lisa Clark	Durham
Ashier, Saurabh	Pickett, Lisa Clark	Durham
Bank, Laura Sheryl	Cromer, John Willard Jr.	Wilmington
Barefoot, Catherine Rose	Sevier, Robert English	Greensboro
Barney, Cherry Greene	Prince, Gus Donald	Pinehurst
Beardsley, Joshua J	Smith, Mark David	Charlotte
Bogatova, Kseniya V.	Rao, T. Hemanth Prabhakar	Charlotte
Bolduc, Gary Edward	Cummings, Richard Edward	Kingston
Brydge, Aleta Lynn	Wilkins, Kenneth Worth Jr.	New Bern
Buller, Shawn Timothy	Mullen, Joseph Patrick III	Shelby
Burns, Erin Michelle	Pickett, Lisa Clark	Durham
Calhoun, Anna Kathryn	Helman, Melissa Ann	Winston-Salem
Campbell, Jennifer Lynn	Pickett, Lisa Clark	Durham
Chiles, Clare Ellen	Pickett, Lisa Clark	Durham
Claroni, Paul Aiden	Jubane, Alan Velez	Shelby
Costello, Richard Joseph	DeCoy, Donald Lee	High Point
Davis, Tracy Denise	Pickett, Lisa Clark	Durham
Deakle, Mary Stone	Fenster, Michael Scott	Winston-Salem
Desai, Samir Sanmukh	Pickett, Lisa Clark	Durham
Dodge, Julie Stone	Moore, Frederick Ernest	Yanceyville

Dore, Mary Graham
Drinkwater, Don Michael
Drovie, Jennifer Anne
Elliott, Anne Marie
Epler, Pamela Kay
Everhart, Franklin Ray
Gerni, Kimberly Thaxton
Griffin, Beth Allison
Grove, Randall Paul
Hall, Roxanne Elizabeth
Hall, Roxanne Elizabeth
Hanes, Heather Denise
Hedt, Stephen M.
Hendrix, Cherilyn Marie
Hendrix, Paul Clyde
Hogan, Danielle L.
Hogan, Danielle L.
Hudak, Priscilla Teixeira
Jernejcic, Tara Carson
Johnson, Andrea Marie
Johnstone, Thomas K III
Jones, William Dennis
Juncker, Melissa Ann
Justice, Brenda Jean
Kearns, Amy Jean
Kerns, Amy Marie
Kunze, Joel Carl
Manion, Daniel George
Massenburg, O'Laf Sorento
McDowell, Julie Br
Migdon, Steven
Moore, Helen Miller
Mortimer, Marty Jay
Mulligan, Terry Lee
Musser, Lindsay Marie
Noel, Cecile
Orosz, Virginia Lynn
Palma, William Gerard
Parikh, Madhavi
Parker, Sherri Lynn
Paterson, Kimberly Brown
Patterson, Jimmy Dale Jr.
Patz, Nancy
Powell, Debra Diane
Presnell, Tammy Murrelle
Rafes, Stefanie Rachel
Raudenbush, Lee Graham
Raudenbush, Lee Graham
Reale, Robyn Marie
Reid, Alan Jordan
Richard, Monica Turbay

Werth, Thomas Edward
Kirtley, Samuel William
Wilson, Bryan Hadley
Allison, Ron Russell
Levine, Gary Ira
Eze, Augustine Richard
Medina, Victor Anthony
Pridgen, James Henry
Davies, John Aloysius
Jackson, Anita Louise
Oakley, Ward Sayre Jr.
Daus, Patrick Glenn
Perren, Richard Stephen
Pickett, Lisa Clark
Jacobs, Danny Odell
Becherer, Paul Robert
Ingram, Christopher William
Briggs, John Leslie Jr.
Edmunds, John Howard
Cornell, David Wade
Bucy, Mark Christopher
Collins, David Dutrow
Doddi, Krishna Prasad
Finch, Sudhir Eugene
Dreiling, Dale Thomas
Dreiling, Dale Thomas
Iannuzzi, Nicholas Paul III
Burton, Harry G. III
Holness, Kenworth Fitzgerald
Herman, Christopher Michael
Goli, Devainder
Johansen, James Richard
Stuart, Dennis O'Garey
Russell-Howard, Pamela Jayne
Rainey, David Yotham
Cathcart, Cornelius Fitzharold
Gardner, Donald Nelson
Goforth, James Walter
Rhodes, Marsha Jernigan
Pickett, Lisa Clark
Heter, Michael Allen
Hunter, Joseph Kevin
Meyer, Peter Karl
Mullen, Joseph Patrick III
Jones, Enrico Guy
Pickett, Lisa Clark
Rucker, Tinsley White
Yang, Frank Yun-Pu
Pickett, Lisa Clark
Beatty, Lee Alexander
Keith, Douglas Charles

Charlotte
Shalotte
Charlotte
Greenville
Greenville
Salisbury
Cary
Sneads Ferry
Fayetteville
Clayton
Pinehurst
Washington
Henderson
Durham
Durham
Raleigh
Raleigh
Lillington
Greensboro
High Point
Wentworth
Winston-Salem
Holly Springs
Charlotte
Greensboro
Greensboro
Winston-Salem
Asheville
Winston-Salem
Winston-Salem
Burlington
Boiling Springs
Pembroke
Hickory
Winston-Salem
Henderson
Mt Airy
Hickory
Charlotte
Durham
Wilmington
Mt Gilead
Wilmington
Shelby
Greensboro
Durham
Fayetteville
Fayetteville
Durham
Mt Holly
Garner

Riley, Bonnie Jean
Rivero, Josef
Sims, Ginger Williams
Smith, Megan Anne
Spencer, Sara Carter
Struik, Edith Johanna
Taylor, Amanda Todd
Thiebaud, Eugene Henry Jr.
Thompson, Brian Scott
Ulstad, Richard Douglas
Van Benthuyzen, R Jr.
Ventrilla, James Joseph
Wallace, Todd A.
Waronsky, Roy George
Westbrook, James Edgar
Zagon, Laura Joan

Ferguson, Robert Lee Jr.
Broyles, William Kevin
Collins, David Dutrow
Barnett, Ley Imboden
Cloward, Davis Lisandro
Avery, Kirsten Hill
McKinney, John Jacob Jr.
Ward, William Goode
Pickett, Lisa Clark
Boswell, Robert Brooks
Cloward, Davis Lisandro
McCaskill, Lloyd Curtis
Murphy, William Alton
Baum, Shari Joy
Ellis, Randy Sue
Armistead, Hal Wayne

Hope Mills
Durham
Winston-Salem
Lillington
Greensboro
Raleigh
Thomasville
Winston-Salem
Durham
Wilmington
Greensboro
Laurinburg
Wilson
Charlotte
Elkin
Huntersville

NP – Initial Applications Recommended for Approval after Staff Review-

NURSE PRACTITIONER

Battle, Bridgette
Black, Holly
Bowen, Leigh Anne
Brown, Karla
Cagas, Gerard
Churchill, Ella
Corbin, Theresa
Dailey, Virginia
Fecik, Connie
Furlong, Maureen
Gates, Christie
Grayer, Jennifer
Haynes, Christopher
Haynes, Christopher
Hueckel, Remi
Holt, Roger
Horan, Lisa
Johnston, Denise
Kosko, Debra
Krell, Claudette
MacLaren, Deanna
Martin, Mary-Margaret
McClure, Derek
McCormick, Sherry
McKay, Richelle
McKenzie, Crystal
McLaughlin, Megan
Miller, Cynthia
Parks, Diane
Reilly, Cynthia
Reardon, Lecia

PRIMARY SUPERVISOR

Cummings, James
Tannenbaum, Sigmund
Davis, Cara
Mill, Michael
Vandemark, Robert
Wilde, Gustav
Berkowitz, Gerald
Dailey, Timothy
Landers, Mark
Calikoglu, Ali
Cummings, James
Ransom, James
Ameen, William Jr.
Iannazzi, Nicholas
Cheifetz, Ira
Detrick, Kenneth
Christmas, William
Faulk, Kellie
Keith, Douglas
Van Trigt, Peter III
Moomaw, William
Moore, Donald
Clay, Henry Jr.
Pohlman, Barbara
Morris, John
Butler, George
Bennett, Jerry
Tolbert, Franklin
Ponder, Philip
Dickerson, Jill
Dambeck, Allyn

PRACTICE CITY

Greenville
Greensboro
Raleigh
Chapel Hill
Durham
Franklin
Charlotte
Boone
Pinehurst
Chapel Hill
Greenville
Greensboro
Jamestown
Winston-Salem
Durham
Salisbury
Durham
Statesville
Garner
Greensboro
Marion
Madison
Lansing
Chapel Hill
Hendersonville
Wilkesboro
Winston-Salem
Advance
Winston-Salem
Wake Forest
Faison

Tate, Donna
Winslow, Teresa
York, Regina

Clark, Robert
Mitra, Shyamal
Green, Arthur III

Linville
Kinston
Greensboro

NP - Subsequent Applications administratively approved-

NURSE PRACTITIONER

Beck-Sieg, Judy
Blair, Alene
Bozik, Karen
Brown, Kathy
Brown, Susan
Brummett, Athena
Carpenter, Jean
Christopher, Kim
Cryer, Victoria
Daves, Melinda
Davis, Cynthia
Deal, Trina
Deaton, Elizabeth
Deneseus, Christine
Dockery, Kimberly
Driggers, Hannah
Felton, Makeba
Fishman, Aislinn
Frazer, Melissa
Fugo, Christy
Gentile, Judith
Haith, Karen
Harrell, Jason
Harrison, Dawn
Heese, William
Jacobs, Tina
Jones, Shirley
Kirkman, Jeanette
Markland, Ella
Marks, Michael
McNeil, Jeffery
Miller, Norma
Miller, Norma
Overcash, Marilyn
Owen, Elizabeth
Oxford, William
Parker, Penney
Parrish, Rebecca
Reynolds, Eva
Robinson, Caroline
Rutherford-Hemming, T
Scarce, Phyllis
Storck, Beverly
Tanguay, Nancy

PRIMARY SUPERVISOR

Ennever, Peter
Reece, Neil
Pofahl, Walter
Druger, Karolyn
Pohlman, Barbara
Allen, Harvey Jr.
Maggio, William
Klein, Carol
Geary, Leon
Bishopric, Frances
Koontz, Wayne
Ranton, Jennifer
Kahai, Jugta
Sales, Eileen
Kepley, Michael
Garmon-Brown, Ophelia
Shapley-Quinn, Kathleen
Bright, Robert
Smith, Richard Jr.
Cummings, James
Smith, Alastair
De Castro, Laura
Fenster, Michael
Pohlman, Barbara
Pohlman, Barbara
Shroff, Rushad
Beste, Todd
Symanski, John
Baker, Charles
Ranton, Jennifer
Williams, Eugene
Bentley, Ralph
Hatharasinghe, Roger
Kepley, Michael
Olson, Ronald
Cipriani, Wendy
Ranton, Jennifer
Chalfa, Nicolai
Setti, Lara
Oaks, Howard
Chelminski, Paul
Moore, Frederick
Blair, Richard
Zolotor, Adam

PRACTICE CITY

Greensboro
Newton
Greenville
Thomasville
Chapel Hill
Winston-Salem
Charlotte
Carrboro
Durham
Hickory
Salisbury
Jacksonville
Oak Island
Gastonia
Statesville
Matthews
Burlington
Charlotte
Charlotte
Greenville
Durham
Durham
Winsto-Salem
Chapel Hill
Chapel Hill
Lumberton
Greenville
Charlotte
Linville
Jacksonville
Charlotte
Statesville
Statesville
Statesville
Durham
Pikeville
Jacksonville
High Point
Hendersonville
Sanford
Chapel Hill
Yanceyville
New Bern
Siler City

Thomas, Wanda
Watkins, Julia
White, Nancy
Wilson, Courtney

Gregory, Jennifer
Newman, Andrea
Ercolino, Peter
Horger, Edgar

Sanford
Raleigh
Wake Forest
Wilmington

Motion: A motion passed to approve the Committee report and the vote list as presented.

LICENSING COMMITTEE REPORT

Robert Moffatt, MD, Chair; Robin Hunter-Buskey, PAC; George Saunders, MD; Michael Norins, MD

Waiver of USMLE Step 1 for Duke Exchange Program Candidates

Catchline: This item was presented to the Board at the November 2002 meeting. Board action was "Pending ECFMG notification that they approve the program, grant waiver of ECFMG requirement in the resident training license application process for Duke exchange program with the University of Oxford." A response has been received from ECFMG. Still awaiting clarification from Duke as to whether these physicians will be observing or practicing medicine.

Committee Recommendation: Send notice to Duke that the Board is willing to waive ECFMG certification for candidates seeking a resident training license to participate in the exchange program with Oxford University and that these licenses will have a 6 month time limit.

BOARD ACTION: Send notice to Duke that the Board is willing to waive ECFMG certification for candidates seeking a resident training license to participate in the exchange program with Oxford University and that these licenses will have a 6 month time limit. (for-8, against-4)

No-Shows for Interviews

Catchline: The License Committee has been tasked to discuss this issue and recommend possible solutions.

Committee Recommendation: Change the procedure for notifying staff requiring the interviewer and the applicant to notify Board staff of scheduled interviews (email or phone calls will be acceptable).

BOARD ACTION: Change the procedure for notifying staff requiring the interviewer and the applicant to notify Board staff of scheduled interviews (email or phone calls will be acceptable).

Report from the Committee on setting criteria to require personal interviews

Catchline: Review suggestions submitted that would allow applicants to not be required to appear for a personal interview.

BOARD ACTION: Accept proposed criteria as amended.

Proposed Criteria: for approval w/o interview

First time license application:

- No prior disciplinary issues of any kind in medical school or residency
- No questions or issues of competency from residency
- No issues of substance abuse or behavioral problems
- No malpractice suits, settlements or judgments
- May be named in a suit as part of a "sweep" in an action against the teaching institution.

License by Endorsement or with Previous license

- No prior disciplinary issues of any kind in medical school or residency
- No prior action by any Medical Licensing Board
- No actions by any hospital, medical group or medical institution
- A "clean" AMA profile
- No record of complaints or legal actions
- No issues of substance abuse or behavioral problems
- No malpractice suits, settlements or judgments
- No more than 6 months break in work/practice
- Less than 25 years out of training

Trial of the Process:

The pool of applicants for a given month who satisfy the suggested criteria will have their application reviewed by Drs. Moffatt and Norins who will render an opinion as to whether the applicant would require an interview.

The licensing department will keep a listing with the above recommendations.

All applicants will be scheduled for personal interview per existing procedures. The interviewing Board member or agent will specifically answer the question "having interviewed this applicant I would have felt comfortable recommending approval based on the written application alone."

A comparison will be made of the lists submitted by Drs. Moffatt and Norins to a list of applicants that interviewers felt could have been approved without license.

A target threshold for acceptability of the selection criteria and approval process will be 95% concordances between Drs. Moffatt and Norins and the interviewers. This trial will be run for at least 3 months with a report at the end of the trial period to the license committee.

A motion passed to close the session to investigate, examine, or determine the character and other qualifications of applicants for professional licenses or certificates while meeting with respect to individual applicants for such licenses or certificates.

The Board reviewed three license applications. A written report was presented for the Board's review. The Board adopted the Committee's recommendation to approve the written report. The specifics of this report are not included because these actions are not public information.

A motion passed to return to open session.

SPLIT BOARD LICENSURE INTERVIEWS

A motion passed to close the session to investigate, examine, or determine the character and other qualifications of applicants for professional licenses or certificates while meeting with respect to individual applicants for such licenses or certificates.

Six licensure interviews were conducted. A written report was presented for the Board's review. The Board adopted the Committee's recommendation to approve the written report. The specifics of this report are not included because these actions are not public information.

A motion passed to return to open session.

APPLICANTS PRESENTED TO THE BOARD

Farhath Sultana Abdul Kareem	Merrill Lee Gladden Jr.	William Alvin McElveen
William Talbot Adamson	Stephen Jacob Gordin	Craig Robert Mitchell
Tolulola Omololu Adeola	Laurie Ottaway Goss	Vidyasagar Venkata Modali
Ravi Agarwal	George Cameron Green	Terri Gay Monk
David Scott Anderson	Sumeer Kumar Gupta	Paul Munoz
Alehegn Asres	Mark David Gwynne	David Blair Neeland
Rommana Aziz	Amy Hayden Hairston	John William Nelson
Krisztina Ilona Bajzak	Gregory Grayson Hall	Lawrence Harvey Opoliner
William Gordon Baxt	Suzanne Ellen Hall	Robert Peter Oristaglio Jr.
Robert Cedric Belding	Jeffrey Carl Hamm	Mathew Merrick Orme
Peter Bruce Berger	Jamil George Harbieh	Tushar Raman Patel
Priti Bhagia	Douglas Baldwin Hecox	Christopher Randolph Payne
Sanjeev Rao Sai Bongu	Marta Elise Heilbrun	Ferenc Puskas
Mark Richard Brady	Jenny Lynn Hinson	Rosemarie Anna Roy
Heather Carrick Braithwaite	Ken Kiyoshi Hirasaki	Joel Daniel Rudman
Stephen Alexander Brunton	John William Hollingsworth II	William Harper Satterfield
Jennifer Sam Bunnow	John Burnett Holt	Hassan Nicholas Shamma
Thomas Lawrence Bunnow Jr.	Dean Harry Hommer	Benjamin Barnes Smith
Sonia Orellana Cahanap-Mercado	Charles Paul Honsinger III	Kenneth William Sommerville
Lisa Anne Cassidy	Keith Alan Housman	Eugene Stefan Stanton
Francis Michael Castellano	Nuhad Ismail	Curtis Doane Stoldt
Rosemary Roseta Chaponda	Kevin Patrick Jackson	Jennifer Mavis Thompson
Pamela Griffin Cobb	Dong Lim Ji	Thomas Raikes Thompson
Michele Marie Crockett	Skyler Elizabeth Kalady	Darlene Kay Toscano
John Benjamin Bamidele	Birhane Gebreyesus Kaleab	Pradyumna Eswara Tummala
Daramola	Peter Neal Kane	Anne-Marie Turnier
Philip Coleman Davis	David Kirk	Jamie Udwadia
Manuel Francis De Jesus	William George Kodzai	Kingsley Chuks Ugochukwu
Brian Richard Decosta	Bridget Fey Koontz	Ekaterina Vapne
Robert William Desverreaux	Paul John Kostuchenko	Randolph Victor Chu Villamor
Margaret Stephanie Dutton	Adrian Doran Langley	Shelaila Neri Villamor
Suzanne Marie Edmunds	Sarah Christine Lilly	Mercedes Allison Volk
Holly Christine Lockhart Evans	Garron Michael Lukas	Davis Dinh Vu
John Russell Folger, Jr.	Michael Mahoney Lundy	Bruce Craig Weldon
David Manning French	May Ling Mah	John Maclean Wendell Jr.
Michael Howard Fronstin	David Raymond Maish	Wen Sheng Young
Walter Henry Gajewski	Robert Shayn Martin	
Charles Edward Garten II	Debbie Sue Matzke	
	William Frederick Mackey, Jr.	

LICENSES APPROVED BY ENDORSEMENT AND EXAM

Farhath Sultana Abdul Kareem	Rommana Aziz
William Talbot Adamson	Krisztina Ilona Bajzak
Tolulola Omololu Adeola	William Gordon Baxt
Ravi Agarwal	Peter Bruce Berger
David Scott Anderson	Priti Bhagia

Sanjeev Rao Sai Bongu
Mark Richard Brady
Heather Carrick Braithwaite
Stephen Alexander Brunton
Jennifer Sam Bunnow
Thomas Lawrence Bunnow Jr.
Sonia Orellana Cahanap-Mercado
Lisa Anne Cassidy
Francis Michael Castellano
Pamela Griffin Cobb
Michele Marie Crockett
John Benjamin Bamidele Daramola
Manuel Francis De Jesus
Brian Richard Decosta
Robert William Desverreaux
Margaret Stephanie Dutton
Suzanne Marie Edmunds
David Manning French
Walter Henry Gajewski
Charles Edward Garten II
Merrill Lee Gladden Jr.
Stephen Jacob Gordin
Laurie Ottaway Goss
Sumeer Kumar Gupta
Mark David Gwynne
Suzanne Ellen Hall
Douglas Baldwin Hecox
Marta Elise Heilbrun
Jenny Lynn Hinson
Ken Kiyoshi Hirasaki
John William Hollingsworth II
John Burnett Holt
Dean Harry Hommer
Charles Paul Honsinger III
Keith Alan Housman
Nuhad Ismail
Kevin Patrick Jackson
Skyler Elizabeth Kalady
Birhane Gebreyesus Kaleab
David Kirk
Paul John Kostuchenko
Adrian Doran Langley
Michael Mahoney Lundy
May Ling Mah
David Raymond Maish
Robert Shayn Martin
Debbie Sue Matzke
William Alvin McElveen
Vidyasagar Venkata Modali

Terri Gay Monk
Paul Munoz
John William Nelson
Lawrence Harvey Opoliner
Robert Peter Oristaglio Jr.
Mathew Merrick Orme
Tushar Raman Patel
Christopher Randolph Payne
Ferenc Puskas
Rosemarie Anna Roy
William Harper Satterfield
Hassan Nicholas Shamma
Benjamin Barnes Smith
Kenneth William Sommerville
Curtis Doane Stoldt
Jennifer Mavis Thompson
Thomas Raikes Thompson
Darlene Kay Toscano
Pradyumna Eswara Tummala
Anne-Marie Turnier
Jamie Udwadia
Kingsley Chuks Ugochukwu
Ekaterina Vapne
Randolph Victor Chu Villamor
Shelaila Neri Villamor
Mercedes Allison Volk
Davis Dinh Vu
Bruce Craig Weldon
John Maclean Wendell Jr.
Wen Sheng Young

Applicants For Faculty Limited License
Holly Christine Lockhart Evans

Applicants For Reinstatement
John Russell Folger, Jr.
George Cameron Green
Dong Lim Ji
Garron Michael Lukas

Applicants For Reactivation
Gregory Grayson Hall
David Blair Neeland
Robert Cedric Belding

Conversion From Full, Unlimited To Retired Volunteer
Philip Coleman Davis

COMPLAINT COMMITTEE REPORT

Aloysius Walsh; Edwin Swann, MD; Shikha Sinha; Michael Norins, MD

A motion passed to close the session to prevent the disclosure of information that is confidential pursuant to sections 90-8, 90-14, 90-16, and 90-21.22 of the North Carolina General Statutes and not considered a public record within the meaning of Chapter 132 of the General Statutes.

The Complaint Committee reported on 54 complaint cases. A written report was presented for the Board's review. The Board adopted the Committee's recommendation to approve the written report. The specifics of this report are not included because these actions are not public information.

A motion passed to return to open session.

MEDICAL EXAMINER COMMITTEE REPORT

Aloysius Walsh; Edwin Swann, MD; Shikha Sinha; Michael Norins, MD

A motion passed to close the session to prevent the disclosure of information that is confidential pursuant to sections 90-8, 90-14, 90-16, and 90-21.22 of the North Carolina General Statutes and not considered a public record within the meaning of Chapter 132 of the General Statutes.

The Medical Examiner Committee reported on four cases. A written report was presented for the Board's review. The Board adopted the committee's recommendation to approve the written report. The specifics of this report are not included as these actions are not public information.

A motion passed to return to open session.

NORTH CAROLINA PHYSICIANS HEALTH PROGRAM (NCPHP) COMMITTEE REPORT

Edwin Swann, MD; Michael Norins, MD; E. K. Fretwell, PhD

A motion passed to close the session to prevent the disclosure of information that is confidential pursuant to section 90-21.22 of the North Carolina General Statutes and not considered a public record within the meaning of Chapter 132 of the General Statutes.

NCPHP Compliance Committee met on 1/21/04. The following cases were discussed:

The Board reviewed 28 cases involving participants in the NC Physicians Health Program. The Board adopted the committee's recommendation to approve the written report. The specifics of this report are not included as these actions are not public information.

A motion passed to return to open session.

INVESTIGATIVE COMMITTEE REPORT

Charles Garrett, MD; Arthur McCulloch, MD; Shikha Sinha; Janelle Rhyne, MD

A motion passed to close the session to prevent the disclosure of information that is confidential pursuant to sections 90-8, 90-14, 90-16, and 90-21.22 of the North Carolina General Statutes and not considered a public record within the meaning of Chapter 132 of the General Statutes.

The Investigative Committee reported on 19 investigative cases. A written report was presented for the Board's review. The Board adopted the Committee's recommendation to approve the written report. The specifics of this report are not included because these actions are not public information.

A motion passed to return to open session

CME MONITORING PROPOSAL

Background: During 1997 session of General Assembly of NC, legislation was enacted to require physicians to complete at least 150 hours of continuing education; GS 90-14(a) (15) reads, "The failure to complete an amount not to exceed 150 hours of continuing medical education during any three consecutive calendar years pursuant to rules adopted by the Board"; failure to do so grants the Board authority to deny, annul, suspend, or revoke a license.

On October 30, 1998 the NC Medical Board held a rule-making hearing in the matter of CME. A second hearing was held March 3, 2000. As a result of this second hearing the Board's CME rule was adopted, Chapter 32R .0101, .0102, .0103, and .0104. Note: Effective date of this rule was January 1, 2001.

Selection: There was much discussion regarding selection criteria for review of reported CME.

When queried, if the physician does not submit documentation that satisfies rule requirements:

1. Send a letter to physician advising that the previously submitted CME documentation does not appear to satisfy the Board's CME rule. If the physician does not produce evidence of compliance within a reasonable period of time, the matter will be reported to the Investigative Committee for whatever action deemed appropriate.

INFORMAL INTERVIEW REPORT

A motion passed to close the session to prevent the disclosure of information that is confidential pursuant to sections 90-8, 90-14, 90-16 and 90-21.22 of the North Carolina General Statutes and not considered a public record within the meaning of Chapter 132 of the General Statutes.

Twelve informal interviews were conducted. A written report was presented for the Board's review. The Board adopted the Split Boards' recommendations and approved

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the written report as modified. The specifics of this report are not included because these actions are not public information.

A motion passed to return to open session.

ADJOURNMENT

This meeting was adjourned on January 23, 2004.

Robert C. Moffatt, MD
Secretary