

North Carolina Medical Board  
License Committee  
September 2011

Thomas Hill, MD, Chair, Donald Jablonski, DO, Karen Gerancher, MD, Mr. John Lewis, Scott Kirby, MD, Thom Mansfield, Patrick Balestrieri, Carren Mackiewicz, Joy Cooke, Michelle Allen, Mary Rogers

Open Session

Old Business

1. Application/Renewal Questions - Hill

Issue: Question 7 currently reads "In the past five (5) years, have you had, or have you been told you had, a mental health or physical condition (not referenced above) which in any way limits or impairs or, if untreated, could limit or impair your ability to practice medicine in a competent or professional manner?"

September Board action was to have legal staff review wording for Question 7 for clarity.

Staff Recommendation: Do not change current wording. (Mansfield/Balestrieri)

2. Letters of Advice (LOA) - Hill

Issue: Following a discussion regarding the "origin" of "letters of advice" for license applicants during the July meeting, the need for limiting criteria and who and under what circumstances can an LOA be recommended, Dr. Kirby offers the following:

1. These are not disciplinary in anyway and should not be reported to any agency.
2. They are not considered an investigation. They do not need to be reported by the licensee to any other licensing Board or credentialing agency.
3. Any Board member, upon reviewing a license application and entirely on his own initiative and with consultation or later discussion with SSRC, the Licensing Committee, or the entire Board, may request a letter of advice be sent to the licensee regarding an item on the application.
4. No review of the Board members decision to request a letter of advice is necessary. There needs to be no review or discussion
5. These are below (of lesser significance) than preapproved PLOC's.
6. These are simply an expression of a single Board member's concern about something Noticed in the license application during review.
7. A copy of the letter of advice is scanned into the licensee's file as an additional document attached to the license application. I do not believe a case should be opened. It is not necessary to track or follow these letters of advice and they do not need a case number. If the issue or item of concern is of such importance that it needs to be tracked with a case number then the licensee should not be receiving a letter of advice but rather some other vehicle such as a preapproved PLOC or PLOC, etc.
8. Letters of advice are words of wisdom from an experienced Board member who is familiar with how physicians come to the attention of the Board later in their careers and

the Board member simply wants to provide an informal suggestion to the new North Carolina licensee about how to stay out of trouble.

9. Letters of advice are simply no more than, and similar to, verbal comments that might be made to a license applicant by a Board member at a single Board member interview for licensees who do not warrant a licensing interview.
10. Each Board member will have his own idiosyncratic threshold or criteria for requesting a letter of advice. There nothing wrong with this. Some Board members will request more letters of advice than others. No problem.

Staff Recommendation: Utilize Dr. Kirby's criteria for issuing Letters of Advice

## New Business

### 1. Emergency & Disaster Licensing - Hemphill

Issue: Staff has been working on a procedure for licensing physicians in the event of state declared emergency or disaster.

Staff Recommendation: A recommendation from Nancy Hemphill will be forthcoming.

### 2. Pending Applications Over a Year Old - Cooke

Issue: Issue: Staff has been requested to report to the Committee every meeting the number of pending applications that are more than 1 year old. Currently we have 23. Of those 23, 2 have open investigations in other states and their NCMB application is on hold; 1 has been assigned to the Legal Department to issue a PUBLOC as a result of the May Board meeting; the remaining 20 never finished submitting their application materials.

Staff Recommendation: Accept as information

### 3. Review of Board Book Tab 335 – Licensing Interviews - Hill

Issue: Dr. Hill requests discussion of this policy/procedure. A copy of Tab 335 is bookmarked in this tab.

Staff Recommendation: Keep the procedure as is.

### 4. PLOCs and Fines - Balestrieri

Issue: In an effort to serve the needs of the state and residents of NC the Board previously pre-authorized staff to issue a license when a Board member agrees with issuing a license with a PLOC. Recent license recommendations are to issue license with PLOC and an administrative fine. These recommendations have been requiring Board approval thus delaying an application that would otherwise move forward.

Staff Recommendation: Pre-authorize staff to move applications forward with the approval of one Board member when the Board member decision is to issue a license with a PLOC and administrative fine.

#### 5. Resident Training Licenses Issued in 2011 - Cooke

Issue: Every year at the September Board meeting staff reports the number of resident training licenses issued since the first of the year. A list of those issued along with the institution where they are serving is book marked as part of this tab.

Staff Recommendation: Accept as information.