

M I N U T E S

OF THE MEETING OF
THE BOARD OF MEDICAL EXAMINERS

OF THE STATE OF NORTH CAROLINA
MARCH 13 - MARCH 17, 1991

MARRIOTT CRABTREE HOTEL
RALEIGH, NORTH CAROLINA

MINUTES

CALL TO ORDER

F. M. Simmons Patterson, Jr., M.D., President of the Board of Medical Examiners of the State of North Carolina, called the meeting to order on Wednesday, March 13, 1991, at 7:30 p.m., at the Marriott Crabtree Hotel, Raleigh, North Carolina.

The Board members present at this meeting included: Nicholas Emanuel Stratas, M.D., Secretary; John T. Daniel, Jr, M.D.; Harold L. Godwin, Jr., M.D., Walter Michael Roufail, M.D.; John Wesley Nance, M.D.; and Mrs. Kathryn Howell Willis.

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

ATTORNEY GENERAL/CHIROPRACTORS

On March 14, 1991, the Board of Medical Examiners unanimously adopted a motion made by Dr. Stratas and seconded by Dr. Godwin that the Board request the Attorney General for a clarification of its questions regarding chiropractors as it relates to the Medical Practice Act.

CONSENT ORDERS EXECUTED

The following Consent Orders have been executed since the January 1991 meeting.

1. CARBONELL, Antonio, M.D.
2. GROSECLOSE, James David, M.D.
3. WELLINGTON, Charles J., M.D.
4. EUBANKS, Reavis Thayer, M.D.
5. FREEMAN, Cary Hatton, M.D.

MEETING SCHEDULE

On March 14, 1991, the Board of Medical Examiners unanimously adopted a motion made by Dr. Patterson and seconded by Dr. Stratas that the March 1992 meeting be held March 18-22, 1992 and that this meeting be held at the Embassy Suites if possible.

DATA REQUEST: NC Health Careers Access Program

On March 14, 1991, the Board of Medical Examiners unanimously adopted a motion made by Dr. Patterson and seconded by Dr. Roufail that the Board approve this organization receiving a print-out of the information requested instead of a computer tape or disk.

DATA REQUEST: Carolina Organ Procurement Agency

On March 14, 1991, the Board of Medical Examiners unanimously adopted a motion made by Dr. Patterson and seconded by Dr. Roufail that the Board approve this organization receiving a print-out of the information requested instead of a computer tape or disk.

BIENNIAL REGISTRATION QUESTIONS

On March 14, 1991, the Board of Medical Examiners unanimously adopted a motion made by Dr. Patterson and seconded by Dr. Stratas that the registration form for the upcoming registration remain as agreed upon and that the questions not be included.

TEMPORARY LICENSES AND AGENTS OF THE BOARD

On March 14, 1991, the Board of Medical Examiners unanimously adopted a motion made by Dr. Godwin and seconded by Dr. Roufail that the amended rule regarding agents of the Board conducting licensure interview allow said agents to issue temporary licenses to cover the period between Board meetings and that blank letterhead (no Board member names) be used for the temporary licenses issued by the agents.

DEA PROPOSED RULE RE: PE PRESCRIBING FOR CONTROLLED SUBSTANCES

On March 14, 1991, the Board of Medical Examiners unanimously adopted a motion made by Dr. Nance and seconded by Dr. Roufail that the Board speak in opposition to this proposed rule; that Dr. Roufail is to write his thoughts in the form of a letter and that this letter be sent to North Carolina senators and representatives.

BOARD POSITION STATEMENT RE: ASSISTANTS

On March 14, 1991, the Board of Medical Examiners unanimously adopted a motion made by Dr. Roufail and seconded by Dr. Stratas that the Board adopt the following position statement:

3910S

It is the position of the Board of Medical Examiners of the State of North Carolina that the use of physician's assistants be restricted to those covered by the medical practice act and the nursing practice act (i.e., P.A.'s, N.P.'s and R.N.'s), and that the credentialing of such individuals by hospital credential committees should follow the guidelines outlined in the above-mentioned documents.

The credentialing by hospitals of other assistants of physicians should be limited to manual assistance during procedures and only in the presence of a physician. It is the position of the Board that, at no time, such assistants be allowed to make any entry in the medical patients' charts or order any medications even if immediately countersigned by the physician.

and that this information be forwarded to the North Carolina Medical Journal (Dr. Stratas is to call Dr. Stead), the NC Academy of PA's, Nursing Board, NP organization (if any - CHECK WITH KB ON THIS), and Dr. Wayne Venters.

LICENSURE VERIFICATION FORM

On March 14, 1991, the Board of Medical Examiners unanimously adopted a motion made by Dr. Nance and seconded by Dr. Daniel that the Board's verification form be sent to each applicant from another state and inform this physician that it is his responsibility to make sure this form is completed and that he be informed that his file will be incomplete until the Board receives its verification form completed by the other state(s).

OSTEOPATHIC NATIONAL BOARD REPORT ON EXAM

On March 14, 1991, the Board of Medical Examiners unanimously adopted a motion made by Dr. Patterson and seconded by Dr. Nance that the Board accept the report as written (see attached). On March 14, 1991, the Board of Medical Examiners unanimously adopted a motion made by Dr. Stratas and seconded by Dr. Godwin that at such time as the Osteopathic exam is changed or revised, that these revisions are to be reviewed by the Board of Medical Examiners.

PA SUPERVISION QUESTION BY DR. DUCKETT

On March 14, 1991, the Board of Medical Examiners unanimously adopted a motion made by Dr. Godwin and seconded by Dr. Stratas that there will be no change in the current regulations regarding Physician Assistants.

3910S

VIP REGISTRATION

On March 14, 1991, the Board of Medical Examiners unanimously adopted a motion made by Dr. Godwin and seconded by Dr. Daniel that the Board reviewed the Board action from the 1/91 meeting and accept those guidelines.

CONSENT ORDERS vs. LETTERS OF AGREEMENT

On March 14, 1991, the Board of Medical Examiners unanimously adopted a motion made by Dr. Godwin and seconded by Dr. Daniel that that the Board deny Dr. Baker's request for a clarifying letter to MRNC.

DYAR, Oliver James, M.D. - Durham, NC

On March 14, 1991, the Board of Medical Examiners unanimously adopted a motion made by Dr. Godwin and seconded by Dr. Nance that the Board approve the extension of Dr. Dyar's VIP registration certificate until December 31, 1991 as requested.

WALKER, Douglas Arthur Jack, M.D. - Chapel Hill, NC

On March 14, 1991, the Board of Medical Examiners unanimously adopted a motion made by Dr. Daniel and seconded by Dr. Godwin that the Board approve the one-year extension of Dr. Walker's VIP registration certificate as requested.

WIDENHOUSE, Brian Glenn, M.D. - Greenville, NC

On March 14, 1991, the Board of Medical Examiners unanimously adopted a motion made by Dr. Godwin and seconded by Dr. Stratas that Dr. Widenhouse provide the Board with a diagnosis from his physician and that the Board secure an evaluation of his academic performance at ECU before it will consider his request of an extension to take the FLEX exam.

INFECTION CONTROL STATEMENT FROM DR. CITRON

On March 14, 1991, the Board of Medical Examiners unanimously adopted a motion made by Dr. Godwin and seconded by Dr. Nance that the Board write Dr. Citron that it is taking his information under advisement.

3910S

NURSE PRACTITIONER COMMITTEE REPORT - kb

On March 13, 1991, the Board adopted a motion made by Dr. Godwin and seconded by Dr. Nance that the following recommendations of the NP Committee be accepted and implemented.

NP Applications Approved

GAYNELLE SUE M. BROWN	OGNP	DR. WILLIAM JAMES HANHAM
LOUISE RUTH COATS	FNP	DR. EUGENIE M. KOMIVES
AMY ELIZABETH B. MCALISTER	FNP	DR. SARAH B. CORNWELL
PATTI MEARES STRICKLAND	OGNP	DR. RONALD SASSON MUKAMAL
TERESA LYNN S. THARPE	OGNP	DR. CHARLES FINCH WHICKER
SUSAN ANN K. ZEISEL	PNP	DR. FREDERICK W. HENDERSON

NP Joint Subcommittee Meeting

The NP Committee members voted to schedule a Joint Subcommittee meeting at the July meeting on Wednesday, July 17, 1991, at 5:30 p.m. Items for discussion include:

1. Revised NP application form
2. Change in NP titles from specialty designations to "Nurse Practitioners" proposed by the NCBME staff at the 1/91 Board meeting
3. Revised formulary

PHYSICIAN ASSISTANT COMMITTEE

PA Applications Approved

PAULA JANE BEDENBAUGH	DR. THOMAS WARREN SMITH
SHARON MELINDA BRUCE	DR. JAMES S. WILKINSON, JR.
* HARVEY GENE COLLEY	DR. HERMAN CHAVIS
LAWRENCE CRAIG ELLIOTT	DR. WILLIAM JAMES HANHAM
HARRIET T. GOODRICH	DR. GEORGE EDWARD HARTMAN
ROBERT LEE HOLLINGSWORTH	DR. WILLIAM EARL SANDERSON
KISTA KIDWELL HURLEY	DR. PETER VAN TRIGHT, III
AMIE LOUISE LYONS-CLARKE	DR. OTTO FLOYD ROGERS
CAROLYN HOWARD MARCUS	DR. UREH NNENNA LEKWUWA
CAROL BRITTSAN PENNEBAKER	DR. MICHAEL DAVID COGBURN
CYNTHIA ANNE PONDER	DR. JOSEPH LEO DEWALT

PA Application Withdrawn

BETH ANN BURKEY	DR. PAUL HARRIS WIEGAND
-----------------	-------------------------

PA Application Approved with Conditions

EARL VESTER ECHARD DR. JAMES KILCOIN HARTYE
The 96 hour countersigning request was denied, 72 hours was granted.

PA Application Approved If and When Satisfactorily Completed

THOMAS SLOANE GUY, III DR. MARY ELIZABETH LYON
MARK ANTHONY SIZEMORE DR. MICHAEL EUSTERMAN KING

PA Application Decision Deferred to 5/91 Meeting

JOEL WESLEY THOMPSON DR. MEINDERT ALBERT NIEMEYER
(See Board Action from PE investigative report.)

Anesthesiologist's Assistant Application

Lynn Peters Dunaway - graduate of Emory University A A Program

On March 13, 1991, the Board adopted a motion made by Dr. Daniel and seconded by Dr. Nance that Ms. Dunaway be advised that there is no avenue for approval of specialty-trained assistants who have not graduated from an AMA-approved "Physician Assistant" programs and that the Board's rule .0006 says, "All PA training programs approved by the AMA are recognized by the Board."

PA Investigative Follow-up Required

HARVEY GENE COLLEY, PA

On March 13, 1991, as a result of receiving a report of rumors that this PA was fired from his last job, the Board adopted a motion that an investigative follow-up inquiry be conducted.

CAROLYN HOWARD MARCUS DR. UREH NNENNA LEKWUWA

On March 13, 1991, as a result of reviewing the letter from Ms. Marcus' previous primary supervising physician, the Board adopted a motion that a investigative site check be conducted as follow-up.

PA RULE HEARING

On March 13, 1991, the hearing was called to order at 6:30 p.m. Board and staff present were:

PA Committee: John Daniel, M.D.
Walter Roufail, M.D.
NP Committee: Simmons Patterson, Jr., M.D.
Harold Godwin, M.D.
John Nance, M.D.

Staff: Michael E. Weddington, Attorney
 Kathy Burke, Director, Dept. of Administration
 Wanda Long, Secretary, Dept. of Administration

The hearing statement was read into the record and those attending were given opportunity to comment on the proposed rules. No comments were made and the hearing was adjourned.

As a result of the hearing, the Board adopted a motion made by Dr. Daniel and seconded by Dr. Roufail that the following proposed amendments be adopted by the Board (amendments underlined):

.0001 DEFINITIONS - add paragraph (7)

- (7) "Approved practice sites" means only those practice sites specifically listed in the approved application on file in the Board's office in which the PA may legally perform medical acts.

.0005 PRESCRIBING PRIVILEGES - revise paragraphs (2), (3), (8)

- (2) Parenteral Medications - No parenteral preparations may be prescribed, ordered, dispensed, or administered unless under the order of the supervising physician as set forth in paragraph (3)(b) of this Rule with the exception of those medications listed on the Formulary as allowed.
- (3) Excluded Drugs
- (a) Any pure form or combination of the generic classes of drugs listed in the Formulary may be prescribed, ordered, or dispensed, unless the drug or class of drug is listed as excluded from the Formulary.
- (b) The PA may prescribe an excluded drug or class of drug only as follows:
- (i) after the patient has been previously seen by the supervising physician for initial treatment of that illness and a written order has been entered into the chart by the physician for future treatment by the PA; or
- (ii) upon a specific written or verbal order obtained from the supervising physician before the prescription or order is issued by the PA.
- (c) Such a prescription or order written as described in (b) above must be signed by the PA with a notation that it is issued on the specific order of the supervising physician. For example: Mary Smith, PA, on order of John Doe, M.D.
- (8) Prescription Blank Format - All prescriptions issued by a PA shall contain the name and telephone number of the supervising physician; the name, practice address, telephone number, and prescribing number of the PA, as well as all information required by law. A suggested prescription format is included in the application packet.

.0009 SUPERVISION OF A PA - delete (1)(c) and add (2)(c)

- (1) (c) A PA shall refer a patient to another health provider other than an approved supervising physician only on the order of an approved supervising physician.
- (2) Written Standing Orders
(c) The PA shall refer a patient to another physician other than an approved supervising physician only in accordance with written standing orders.

PA/NP FORMULARY

On March 13, 1991, the PA and NP Committee members received comments from those attending the PA Rule Hearing regarding the revisions in the Formulary dated 1/1/91. Board and staff present were:

PA Committee: John Daniel, M.D.
 Walter Roufail, M.D.

NP Committee: Simmons Patterson, Jr., M.D.
 Harold Godwin, M.D.
 John Nance, M.D.

Staff: Michael E. Weddington, Attorney
 Kathy Burke, Director, Dept. of Administration
 Wanda Long, Secretary, Dept. of Administration

As well as written comments received by the Board's office prior to the meeting, the following individuals gave oral comments:

Noah Huffstetler, Attorney, NC Academy of Physician Assistants
 Bud Shelton, PA, President, NC Academy of Physician Assistants
 E. Harvey Estes, M.D.
 Yancey Mebane, M.D.
 Jim Bernstein, NC Office of Rural Health
 Glenn Pickard, Jr., M.D.
 Darlene Mintzer, M.D.
 Alan Gindoef
 Gwenda Goggins
 N.B. Harbold, Jr., M.D., American College of Cardiology
 Sam Zimmern, M.D.

Attorney Noah Huffstetler raised questions regarding proper procedures for adoption of the Formulary and questioned the Board's rule 21 NCAC 32L .0005 which adopts the Formulary "by reference in accordance with provisions of G.S. 150B-14(c)." He indicated that his interpretation of G.S.150B allows adoption by reference only of a document promulgated outside the authority of the agency, not an internal document. He believes the Formulary must legally be a formally adopted Rule and that all amendments must adhere to the notice and public hearing requirements of the Administrative Procedures Act.

3910S

Mr. Huffstetler presented a copy of a FAX from Marc Katz, PA, Chairman of Legal Affairs Committee of the NCAPA, which included a "temporary list of what is felt to be appropriate for excluded drugs under the cardiovascular drug classification." This list was developed "after limited conversations with [NCAPA] Board members and input from the Cardiology Department at Bowman Gray School of Medicine."

Bud Shelton, PA, voiced concerns about the Formulary exclusion of cardiovascular drugs and the lack of prior communication to the Academy regarding the proposed changes.

Dr. Harvey Estes spoke as a representative from the Medical Society and indicated that he had received 93 letters against the exclusion of cardiovascular drugs.

Dr. Yancey Mebane, a family practitioner, told the Board he feels that the responsibility belongs to the physician to decide what PA/NPs prescribe. "The man that is responsible is the physician."

Mr. Jim Bernstein, NC Office of Rural Health, spoke regarding use of physician extenders in rural health in the state and the needs of rural North Carolina. He indicated that further restriction would unnecessarily prohibit health care providers in rural areas and urged the Board to reconsider this exclusion.

Dr. Glenn Pickard, a representative of the NP Joint Practice Committee of the Medical Society, and a co-author of Patient Care Guidelines for Family Nurse Practitioners, told the Board that he was not aware that there had been any problems or questions regarding extenders handling of cardiovascular drugs in the state. He indicated he doesn't think the Board's regulation of physician extender practice in the state hinges on the Formulary but that supervision boundaries and the relationship between the physician and the extender are the focal points. "I agree that the list of cardiovascular drugs needs to be looked at, but not just kept out in toto." Also as QA for NC Rural Health, he told the Board about a study regarding cardiovascular drugs and requested that the Board say what the problems may have been.

Dr. Darlene Mintzer, a full time member of the UNC faculty in Geriatrics, urged the Board to reconsider the cardiovascular category and allow use of hypertensive drugs by extenders in accordance with blanket standing orders from individual physicians.

Alan Gindoef and Gwenda Goggins, physician assistant students, supported the PA Academy's position and stated that PA students receive excellent training and North Carolina laws should be more open.

3910S

Dr. N.B. Harbold, Jr., a representative of the American College of Cardiology, told the Board that he had contacted by telephone 100 cardiologists and received unanimous support for the request that the Board reconsider the exclusion of all cardiovascular drugs. Dr. Harbold offered to be a consultant to the Board in this matter and recommended several specific drugs be excluded which were the same ones recommended by the NCAPA.

Dr. Sam Zimmerman, a cardiologist at the Sanger Clinic, commented that this restriction will hinder his practice and may harm the patients.

The meeting adjourned.

On March 13, 1991, the Board adopted the following motion made by Dr. Patterson and seconded by Dr. Godwin:

The Board rescinds its previous decision to exclude all cardiovascular drugs from the Formulary and instead excludes only specific drugs (including those suggested by the NCAPA) and any others which may be recommended after research. (STAFF NOTE: Upon further research after the meeting, Moricizine added.)

Dr. Roufail voted no and Dr. Stratas abstained.

The Board adopted a further motion that the staff present the "old guidelines and current regulations to the PA Committee and that Dr. Daniel and Dr. Roufail review the Board's position regarding PA's and write a position paper for the next meeting.

Dr. Daniel asked that the staff supply statistics from the PA programs regarding the output of PA's in North Carolina every year and the specialties and areas of practice in which PA's are approved. Dr. Patterson instructed that the staff contact insurance companies and Medicare to see how they pay for PA's procedures.

PHEP SUBCOMMITTEE REPORT

On March 13, 1991, Dr. Stratas presented the report of the PHEP Subcommittee. The criteria needed to be met to break anonymity was sent to Mr. Weddington for his review. Also, Mr. Paris is to re-send the information to the Board members for their input and approval. Dr. Stratas reviewed the physicians currently in the program. He indicated that it was the subcommittee recommendation to let Dr. Mangum continue as is and that the Board will closely monitor him.

On March 14, 1991, the Board of Medical Examiners unanimously adopted a motion made by Dr. Stratas and seconded by Dr. Godwin that this report be accepted as information.

3910S

OFFICE BUILDING

On March 14, 1991, Dr. Stratas reported that he had met with Sen. Kenneth Royal after the last meeting and Sen. Royal suggested that the Board give Sen. Murphy, Chairman of the Human Resources Commission, the proposed language to introduce to enable the Board to purchase a building. There was a question as to whether or not the Board pays taxes, and Mr. Paris indicated that the Board indeed pays taxes.

On March 14, 1991, the Board of Medical Examiners unanimously adopted a motion made by Dr. Stratas and seconded by Dr. Roufail that the Board proceed to get the necessary language in the statutes so that the Board can purchase or build a new building; that the Board do a comparison of rental vs. buy; and that the Board investigate a lease with an option to buy. Mr. Paris is to handle this matter.

On March 14, 1991, the Board adopted a motion that since legislation may take some time and the Board has outgrown its current space, the staff should proceed to lease property to meet the Board's needs.

BUNZENDAHL, Hartwig, M.D. - Chapel Hill, NC

On March 15, 1991, the Board of Medical Examiners unanimously adopted a motion made by Dr. Godwin and seconded by Dr. Daniel that since this physician has passed FLEX he be granted a full and unrestricted license.

GULLIVER, David John, M.D. - Durham, NC

On March 15, 1991, the Board of Medical Examiners unanimously adopted a motion made by Dr. Stratas and seconded by Dr. Godwin that since this physician has passed FLEX he be granted a full and unrestricted license.

EMS REPORT

Dr. Nance, the Board's Liaison Representative to the Office of Emergency Medical Services, presented the following report to the full Board:

On March 15, the Board of Medical Examiners unanimously adopted a motion made by Dr. Nance and seconded by Dr. Godwin that the Board approve the 217 initial applications and 279 recertification applications for Advanced Life Support personnel submitted by the Office of Emergency Medical Services. The Board also adopted a motion made by Dr. Nance and seconded by Dr. Godwin that the Board approve the 651 Bee Sting Certifications submitted by the Office of Emergency Medical Services.

3910S

The Board also adopted a motion made by Dr. Patterson and seconded by Dr. Nance that EMS is to gather more information on the use of thrombolytic therapy.

REINSTATEMENT OF LICENSES SUSPENDED FOR FAILURE TO REGISTER

The following were approved for reinstatement:

WANG, Clark John, M.D. - Durham, N.C.

BROWN, Robert Forest, M.D. - Clermont, FL

KOLKIN, Jon, M.D. - Lexington, KY

The Board adopted a motion to approved Dr. Kolkin's application for reinstatement of his license. Further, the Board requested that Dr. Kolkin supply it with verification of his CME.

ADJOURNMENT

The meeting was adjourned on March 16, 1991.

Nicholas Emanuel Stratas, M.D., Secretary
BOARD OF MEDICAL EXAMINERS OF THE
STATE OF NORTH CAROLINA

