

# **MINUTES**

North Carolina Medical Board

**March 14-17, 2001**

**1201 Front Street, Suite 100  
Raleigh, North Carolina**

Minutes of the Open Sessions of the North Carolina Medical Board Meeting March 14-17, 2001.

The March 14-17, 2001, meeting of the North Carolina Medical Board was held at the Board's Office, 1201 Front Street, Suite 100, Raleigh, NC 27609. The meeting was called to order at 11:35 a.m., Wednesday, March 14, 2001, by Elizabeth P. Kanof, MD, President. Board members in attendance were: Walter J. Pories, MD, Vice President; John T. Dees, MD; Secretary/Treasurer; Kenneth H. Chambers, MD; John W. Foust, MD; E. K. Fretwell, PhD; Charles L. Garrett, MD; Stephen M. Herring, MD; Robin N. Hunter-Buskey, PA-C; Mr. Paul Saperstein; and Mr. Aloysius P. Walsh. Absent was George C. Barrett, MD.

Staff members present were: Mr. Andrew W. Watry, Executive Director; Ms. Helen Diane Meelheim, Deputy Director; Mr. R. David Henderson, Board Attorney; Mr. William H. Breeze, Jr., Board Attorney; Ms. Wanda Long, Legal Assistant; Lynne Edwards, Legal Assistant; Mr. John W. Jargstorf, Investigative Director; Mr. Don R. Pittman, Investigative Field Supervisor; Mr. Edmond Kirby-Smith, Investigator; Ms. Donna Mahony, Investigator; Mr. Fred Tucker, Investigator; Mrs. Therese Dembroski, Investigator; Ms. Barbara Brame, Investigator; Ms. Edith Moore, Investigator; Mr. Jason Ward, Investigator; Mrs. Jenny Olmstead, Senior Investigative Coordinator; Ms. Michelle Lee, Investigative Coordinator/Malpractice Coordinator; Ms. Myriam Hopson, Investigative Coordinator; Mr. Dale Breaden, Director of Communications and Public Affairs; Ms. Shannon Kingston, Public Affairs Assistant; Mrs. Joy D. Cooke, Licensing Director; Mr. Jeff A. Peake, Licensing Assistant; Ms. Erin Gough, PA/NP Coordinator; Mr. James Campbell, Licensing Assistant; Tammy O'Hare, Licensing Assistant; Mrs. Janice Fowler, Operations Assistant; Mr. Peter Celentano, Controller; Ms. Sonya Darnell, Operations Assistant; Ms. Ann Z. Norris, Verification Secretary; Gary Townsend, MD, JD, Medical Coordinator; Ms. Judie Clark, Complaint Department Director; Mrs. Sharon Squibb-Denslow, Complaint Department Assistant; Ms. Sherry Hyder, Complaint Department Assistant; Mr. Jeffery T. Denton, Administrative Assistant/Board Secretary; Mr. Allen Holcomb, Operations Assistant; Ms. Deborah Aycock, Receptionist; and Ms. Rebecca L. Manning, Information Specialist.

## **MISCELLANEOUS**

### **Presidential Remarks**

Dr. Kanof commenced the meeting by reading the North Carolina Board of Ethics "ethics awareness and conflict of interest reminder."

### **PHP Discussion**

Dr. Pendergast met with the Board to discuss concerns with the DEA. He stated that some physicians involved with PHP, appear to have a harder than normal time of getting back their DEA schedules, even when there is support from the Medical Board. It appears that some agents have taken a "personal" interest in some cases. One agent in particular will discourage the physician from going through the process. Thus, if the physician never sends anything up the line to the agent's supervisor, the supervisor is never made aware of the problem. This is discouraging to these physicians who have gone through rehabilitation and they feel it reflects negatively on their progress.

Mr. Watry suggested that the Board does have a good working relationship with the DEA supervisors, and that this is a management issue. He would like to meet with PHP and DEA management and resolve this administratively. Dr. Garrett supports this type of resolution.

Dr. Kanof asked that Mr. Watry pursue this, get more details and get DEA at the management level involved.

### **Federation Executive Vice President Resigns**

James R. Winn, MD, faxed a letter announcing his resignation from his position as Executive Vice President, Federation of State Medical Boards of the United States, Inc.

### **MINUTE APPROVAL**

**Motion:** A motion passed approving the January 24-27, 2001, Board Minutes as corrected.

### **EXECUTIVE DIRECTOR'S REPORT**

Andrew W. Watry, Executive Director, presented the following information:

- **Office Automation:** Two neighboring licensing boards have contacted the vendor who is supplying our computer services and have asked for a system similar to the one custom designed by this Board. Our directors have worked closely with Rebecca and Diane in developing a model system which is worthy of being copied by other states.
- **Legal Department:** We have completed the interviews for the director of the Legal Department and hired Thomas Mansfield who should join us in early April.
- **Outreach:** Our outreach program for licensees has been accelerated dramatically under Dr. Kanof. I have personally participated in six meetings with hospital and/or medical society organizations in the past two months and David Henderson and Diane Meelheim helped fill-in while I was out.
- **Licensing Rule:** I have drafted a complete rewrite of the licensing rules. This is an attempt to plug the many gaps and problems routinely encountered by the Licensing Committee by virtue of existing rules. Existing rules had developed over time to the point where they are occasionally difficult to interpret by both licensees and staff. Hopefully the rewrite will be a first step in clarifying the process. Also the rewrite deals with issues such as the Federation Credentials Verification Service (FCVS) and certain other issues brought up in the course of discussing the work of the Licensing Committee.
- **Legislative Updates:** I have written seven legislative updates for this session which have all been emailed. The emails contained internet website links in order decrease paper. I can make hard copies of all of this material for anyone who needs it. The most recent developments are:

Naturopathy: The Naturopaths are intent on a legislative effort for licensure. There are Naturopaths practicing in this State, apparently oblivious to G.S. §90-18 and the issue of practicing medicine without a license. We recommend continuing to refer these cases to the Attorney General as they are identified.

EMS: I noted in my Executive Director's Report of last March that EMS leadership has been discussing legislation which would place the regulatory functions of EMS all within the Department of Human Resources. That was the expressed intent at that time, and the bill has since evolved to also deal with the scope of practice issues. The latest discussion by EMS personnel indicate that the NCMS has recommended a role for this Board in delineating scope of practice for EMS personnel through recommendations to the Medical Care Commission. I will keep you informed as language is developed.

- **FSMB Activities:** Activities continue on FSMB board service and FSMB committee assignments. I have an upcoming site visit to the New York Board of Professional Medical Conduct on March 19.

## **PUBLIC AFFAIRS/COMMUNICATIONS PROGRAM REPORT**

Dale Breden, Communications Director, presented the following information:

### **Forum**

The first issue of the *Forum* for 2001 will be published in late March or early April. Among other items, it will feature articles on reporting domestic violence, child maltreatment, the NC National Guard's work in Moldova, and treating hypertension in diabetics. It will also publish the Board's report of actions for 2000, a repeat of the CME guide, our current Web site map, revised position statements, and announcements about new Board members. There will also be another delightful cartoon by Dr Pories.

Dr Pories' *Forum* essay on the Cow with Zits was reprinted, along with a large photo of Papilloma Picasso, in the *Wilson Daily Times* in February.

### **Web Page**

As you know, the Board's full public record file is now available on line via DocSearch. This is a major advance and enhances the value of the Web site dramatically. (We owe a debt to Ms Meelheim and the Operations Department for making this advance possible!) Also, we have added a section called "QuickCheck," which lists in alpha order and with identifiers every person who has a public file with the Board. Further, it is now possible to pull up a list of physicians in particular specialties by city or town in the "Physician Locator" section. These data resources serve the public and the media well and save a significant amount of staff time in responding to inquiries. In February, our Board Action Report for 2000 was put on the site, making it available in detail to the media and anyone else interested. It is the most detailed report of its kind issued by any Board.

Most recently, Shannon Kingston has completely updated the MPA and the Rules of the Board (Administrative Code) on the Web site. This was done with the close cooperation of the Legal Department to assure accuracy. In their new form, they can be readily modified as future changes occur. Working with Joy Cooke and Tammy O'Hare, she has also placed a new section on licensure by examination on the site, covering USMLE Step 3 requirements and making an application request form available. Another segment has been created with information on resident training licenses. We are also now listing all newly issued license numbers extending back for three months. A simple CME record form has also been put on the Web site.

Shannon Kingston's creative and technical skill has been invaluable in steadily improving the Web site. And she and I are always open to your comments and suggestions on further improvements.

### **Informational Brochure/CME Guide**

The brochure was published in late October and a copy was sent to all Board members. It is given to interviewees, members of the public seeking information, applicants, and the media. The brochure's text is also available on the Web site.

The brief guide on the CME rule will be published again in the upcoming *Forum* and is available on our Web site. It is also given to each interviewee. To be of further assistance, we have a simple CME Record Form on the Web site.

### **Other Publication/Broadcast Activities--Audio-Video**

We have now produced audio versions (on CD and cassette) of our videos on sexual misconduct and ethics. We trust these audio presentations by Dr Schneidman and Dr Pellegrino will widen the market for their messages. Both CDs and cassettes will be

inexpensive and easier to use than the videos we have made available over the past several years. They will be noted in upcoming numbers of the *Forum*.

Dr Pories' article on the Cow with Zits, with a picture of Papilloma Picasso, was reprinted in the *Wilson Daily Times* in February.

We have agreed to provide a regular item for publication in *M.D. News: Triangle Edition*, a monthly that has companion publications in other major regions of the state. The other editions may also use our material.

### **PA/NP Materials**

Shannon Kingston and Erin Gough are continuing to develop material for the *Forum* relating to PA/NP licensing and registration. As you know, there is now a PA/NP section of the Web site. Shannon attends meetings of the PA/NP Committee to facilitate her efforts in this area.

### **Presentations to Public and Professional Groups**

Over the past year, the following presentations have been made or scheduled and reported to Public Affairs.

*Andrew Watry*

2000

UNC/CH third year medical students--March 13

Wake Forest U School of Medicine ( MAAP program)--November 2

*Diane Meelheim*

2000

Wake Forest University PA Program--March 13

#### **Duke PA Program--April 27**

UNC School of Nursing, FNP students--May 23

ECU School of Allied Health, PA Students--June 29

AHEC Meeting, Greensboro--October 17

2001

NC Pharmacy Association Annual Meeting, Greensboro--March 1

NC Medical Staff Coordinators, Fayetteville--March 2

Methodist College First Year--March 19

Nurse Practitioners, Ft Bragg--March 21

NCCME Meeting, Pinehurst--March 23

*James Wilson*

2000

ECU Medical School, Fourth Year Students on Health Law--March 6

NC Society of Healthcare Attorneys, Telehealth--October 6

ECU School of Medicine Health Law Forum, Medical Errors--September 13

Wake Forest U School of Medicine (MAAP program)--November 2

*Don Pittman*

2000

Opioid use in a Regulated Environment, Purdue Pharmaceuticals program--November 20

*Mr VonSeggen*

2000

Wake Forest University PA Program--March 13

NC Medical Group Managers Spring Meeting--March 31

"Job Powwow" session on Regulatory Issues in Job-Seeking, Winston-Salem--April 1

Forsyth Co Med Society, retired physicians, re: Volunteer Licenses, Wake Forest U--April 5

2001

Wake Forest University Hospital--January 18

*Dr Kanof*

2000

Womack Army Hospital-- November 2

2001

Greater Greensboro Medical Society--January 11

Wake Forest University Hospital--January 18

Onslow Memorial Hospital--February 1

Alamance Regional Hospital--February 5

High Point Medical Society--February 8

Caldwell Memorial Hospital--February 20

Cumberland County Medical Society--February 27

Wayne County Medical Society--March 1

Union Regional Medical Center--March 6

Wilkes County Medical Society and Hospital--March 20

Alexander Component Society, Taylorsville--March 21

Nash County Medical Society--April 10

Albemarle Hospital, Elizabeth City--April 10

Broughton Hospital--April 12

Beaufort County Hospital, Washington--May 24

Anson Community Hospital--June 6

Raleigh Community Hospital--June 7

New Hanover Medical Society, Wilmington--June 27

Chatham Hospital--July 12

Watauga Medical Society, Boone--July 16

Mecklenburg Medical Society, Charlotte--July 25

Durham-Orange Component Medical Society--August 8

*Ms Walston*

2000

Garden and Discussion Club, Wilson--September

Tuesday Book Club, Wilson--October

Greater Wilson Rotary Club--November

*Joy Cooke*

2000

Meeting with Medical Staff Services--December 4

2001

House Staff Coordinators--March 2

*Tammy O'Hare*

2001

House Staff Coordinators--March 2

*Shannon Kingston*

2000

Meeting with Medical Staff Services--December 4

*David Henderson*

2001

Wayne County Medical Society--March 1

Shannon Kingston handles the scheduling of presentations. She and I would appreciate it if members of the Board who have the appropriate contacts would speak with their local civic groups/clubs to determine if they would be interested in presentations on the work of the Board.

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Shannon will be happy to make the arrangements once the initial contact is made. While we have had significant success in addressing professional groups, our efforts to open dialogue with public and consumer groups have been less than satisfactory. This is a weakness I hope we can overcome soon.

### **Board Action Report**

The detailed bimonthly disciplinary report system continues to function well, making disciplinary information available to all health care institutions and media in the area of subject licensees' practices and to organizations and agencies with statewide responsibilities. A full year of reports appears on our Web site. A cumulative report also appears in the *Forum*, and special notices concerning revocations, summary suspensions, suspensions, and surrenders are sent out when the information is received by Public Affairs. These are posted on the Web site for several months under What's News and Immediate Releases. We have also introduced a system for directly informing other state boards of revocations, suspensions, summary suspensions, and surrenders involving their licensees. Shannon does this by checking the AMA data base to determine other states in which the licensees are licensed and then contacting those state boards. Thanks to the Internet, media throughout the state, not just in counties where subject practitioners live, can now receive full listings of Board actions on a regular basis.

Our thanks, as always, go to the Legal Department and to Jenny Olmstead for reviewing each Board Action Report prior to its release.

[I should note that we do not actively distribute Charges and Allegations when they are filed by the Board. However, they are public record documents and we make them available as soon as they become effective to anyone who requests or has requested them. Charges and Allegations are promptly placed on the Web site as documents in DocSearch.]

### **Annual Board Action News Release**

The Board Action report for 2000 was released in late February. Articles have appeared in the *Raleigh News and Observer* and the *Charlotte Observer*. A piece is expected in the Durham paper soon. We also received radio coverage. The full report appears on our Web site.

We have improved the report further this year by creating a more detailed summary section and listing the names of those subject to Board action in three different formats. It is the most detailed report of its kind issued by any medical board.

### **News Clippings**

We continue to make the regular weekly packet of clippings from the Internet available to you on disk and by e-mail. (Some items, of course, are not available electronically and hard copy must be sent. This includes materials from our own NC clipping service.) I should note that the electronic items are received here in a form that is triple spaced, with items running directly into one another. Shannon restructures these into an easily readable form for your convenience. You should also know, in case you wondered, that the FSMB has stopped providing clippings.

Shannon has now fully organized our clippings archive for 1999 and 2000. Previous years are also being assembled.

### **800 Number**

This telephone number remains extremely active, a useful public service.

## **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 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.

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The Legal Department reported on 82 cases. A written report was presented for the Board's review. The specifics of this report are not included as these actions are not public information.

A motion passed to return to open session.

**EXECUTED CASES**

**FREIBERGER**, John Jacob MD

Order to Terminate Consent Order executed 2/22/2001

**GERVIN**, Alfred Spencer MD

Consent Order executed 2/22/2001

**HALL**, Jesse McRae PA

Order to Terminate Consent Order executed 2/22/2001

**HAMILTON**, James Greene MD

Consent Order executed 2/21/2001

**JUBERG**, Breton Chester MD

Order to Terminate Consent Order executed 2/22/2001

**LITTLE**, Douglas Jonathan MD

Notice of Charges and Summarily Suspend executed 1/26/2001

**LOVE**, David William MD

Consent Order executed 2/22/2001

**O'DONNELL**, Robert William MD

Order to Terminate Consent Order executed 2/22/2001

**SAPPINGTON**, John Shannon MD

Consent Order executed 2/21/2001

**WANGELIN**, Robert Lester MD

Order to Terminate Consent Order executed 2/22/200

**WARD**, David Townsend MD

Order to Terminate Consent Order executed 2/22/2001

**HEARINGS**

**JONES**, Tobin Jack, MD

3/16/2001 HEARING  
BOARD ACTION: Revoke

**PATEL**, Vinod Nagjibhai, MD

3/16/2001 HEARING  
BOARD ACTION: Revoke

**SMITH, Eric Peter, MD**  
3/16/2001 HEARING  
BOARD ACTION: Revoke

**VAN FRANK, ALISON CHADWICK, MD**  
3/16/2001 HEARING  
BOARD ACTION: Consent Order with Reprimand, MD to write an article for front page of the Forum

**WHITENER, Betty Lou, MD**  
3/16/2001 HEARING  
BOARD ACTION: Continue

**ZYLANOFF, Phillipa Louise, MD**  
3/16/2001 HEARING  
BOARD ACTION: Revoke

## **POLICY COMMITTEE REPORT**

John Foust, MD, Chair; Elizabeth Kanof, MD; Stephen Herring, MD; Walter Pories, MD, Aloysius Walsh

The Policy Committee was called to order at 12:30 p.m., Wednesday, March 14, 2001, at the office of the Board. Present were: John W. Foust, MD, Chair; Stephen M. Herring, MD; Elizabeth P. Kanof, MD; Walter J. Pories, MD; Aloysius P. Walsh; Andrew W. Watry, Executive Director; H. Diane Meelheim, Deputy Director; Melanie Phelps, North Carolina Medical Society; David Henderson, Board Attorney (portions); Dale G Breden, Director, Public Affairs (PC Staff); and Jeffery T. Denton, Board Recorder (PC Staff).

### **Review of Minutes**

The minutes of the February 21, 2001 Policy Committee were reviewed and accepted.

### **Scope of Practice Subcommittee Update (Drs Herring and Pories)**

Dr. Herring stated there was nothing new to report at this time.

### **Alternative Medicine Subcommittee Update (Drs Kanof and Walsh)**

Dr Kanof stated that they have split up resource review. Dr. Kanof reads the journals and Mr. Walsh does the internet review. Mr. Walsh stated there were no recent developments but there are lots of organizations exploring and pushing alternative medicine. Mr. Breden mentioned that there have been articles recently in the weekly "clippings" that the Public Affairs Department sends out to Board Members.

### **Development of a Regulatory System for Office-based Surgery**

Ms Meelheim reported that she and Ms. Phelps had developed the following survey which will eventually be tied to registration via the Internet. The draft survey was distributed and reviewed by the committee. It was noted that the survey still needs to be approved by the Full Board, "floated" by the Medical Society and blessed by the Medical Care Commission. A full year of data vs a sampling of data was discussed.

**Motion:** A motion passed that the following survey be approved and forwarded to the Medical Society and then, the Medical Care Commission for review/approval.

### **Office-based Procedures Requiring Anesthesia (OPRA)**

1. Do you perform procedures requiring anesthesia in your office?

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- Yes (Continue to question 2)
  - No (Stop, no need to complete any other questions.)
2. Which of the following types of anesthesia do you use in your office? (Mark all that apply)
- Local anesthesia
  - Conscious sedation using intravenous medications
  - Conscious sedation using oral medications
  - General anesthesia
  - General anesthesia with intubation
3. Who administers anesthesia in your office? (Mark all that apply)
- Staff trained by you to monitor and administer the anesthesia
  - Staff formally trained to monitor and administer anesthesia (anesthesia PA, etc.)
  - CRNA
  - Anesthesiologist
  - You, the physician performing the procedure
  - Other
4. Have you been formally trained in techniques for administering these types of anesthesia?
- Weekend course                      ○ Mentoring
  - Residency Rotation                      ○ Other
5. What is the maximum length of time that a patient would be anesthetized for a procedure in your office?
- <2 Hours                      ○4-6 Hours
  - 2-4 Hours                      ○>6 Hours
6. In which of the following courses are you currently certified? (Mark all that apply)
- Basic Cardiac Life Support (BCLS)
  - Advanced Cardiac Life Support (ACLS)
  - Advanced Trauma Life Support (ATLS)
  - Other
7. In which of the following courses are members of your office staff currently certified? (Mark all that apply)
- Basic Cardiac Life Support (BCLS)
  - Advanced Cardiac Life Support (ACLS)
  - Advanced Trauma Life support (ATLS)
  - Other
8. What precautions do you have in place in the event an emergency should arise during a procedure performed under anesthesia? (Mark all that apply)
- Emergency resuscitative equipment or a crash cart
  - A written protocol in the event emergency resuscitation is needed
  - Hospital admitting privileges allowing you to perform same or similar procedures at a local hospital facility
  - A written transfer agreement with a local hospital in the event emergency hospitalization is required for a patient in your office
  - Other
9. Have any of your patients suffered minor complications requiring further treatment following procedures performed under anesthesia administered in your office because of the anesthesia or procedure?
- Yes              ○No

10. Have any of your patients suffered major complications following procedures performed under anesthesia administered in your office because of the anesthesia or the procedure?  
Yes      No
11. Have any patients died following procedures performed under anesthesia administered in your office because of the procedure?  
Yes      No
12. Have any of your patients died following procedures performed under anesthesia administered in your office because of the anesthesia?  
Yes      No
13. Is your office currently approved or certified by any of the following agencies? (Mark all that apply)
  - American Association for Accreditation for Ambulatory Surgery Facilities (AAAASF)
  - Accreditation Association for Ambulatory Health Care (AAAHHC)
  - Joint Commission on Accreditation of Healthcare Organizations (JCAHO)
  - Medicare/Medicaid
  - Other:

#### **MD/DO Advertising and Publicity**

At the November 2000 Board meeting, the president assigned the following North Carolina Medical Society resolution to the Policy Committee for consideration: "Resolved, that the North Carolina Medical Society request that the North Carolina Medical Board issue a position statement clarifying how physicians should properly designate their osteopathic or allopathic status in all commonly used media, forward to the Federation of State Medical Boards for implementation, and specify the circumstances under which physicians may be disciplined for non-compliance with the Board's position."

At the January 2001 Board meeting Dr Kanof presented a proposed revision of the "Advertising and Publicity" position statement incorporating wording to address earned medical degrees. Several members expressed concerns about this issue. Mr Watry and Dr Kanof were to explore the subject further and bring it back to the February Board meeting for reconsideration.

At the February 2001 Board meeting Dr. Kanof presented a revised "Advertising and Publicity" position statement incorporating wording to address earned medical degrees. She proposed it be adopted by the Medical Board and then forwarded to the Federation of State Medical Boards for national consideration. Mr Watry stated he would like the State Osteopathic Medical Society to review the statement. Extensive discussion of the proposed revision followed. At a Full Board discussion there were strong concerns expressed that this may not be received very well at the Federation level and the Osteopathic level. A motion passed to table this item and send it back to Policy Committee for further review and to bring back at the March Board Meeting.

A discussion ensued this date regarding the meaning of "board certified." It was also noted that if the attached revised position statement is adopted the Board will have to change the way it does business with regards to the various international medical degrees and how they are listed in the Board's database and on registration forms. Dr. Foust emphasized that the whole purpose of this position statement is that the Board wants honesty in advertising.

**Motion:** A motion passed that the Board adopt the following revision of the Position Statement on Advertising and Publicity:

## **ADVERTISING AND PUBLICITY\***

It is the position of the North Carolina Medical Board that physician advertising or publicity that is deceptive, false, or misleading is unprofessional conduct. The key issue is whether advertising and publicity, regardless of format or content, are true and not materially misleading.

Information conveyed may include:

- a) the basis on which fees are determined, including charges for specific services;
- b) methods of payment;
- c) any other non-deceptive information.

Advertising and publicity that create unjustified medical expectations, that are accompanied by deceptive claims, or that imply exclusive or unique skills or remedies must be avoided. Similarly, a statement that a physician has cured or successfully treated a large number of patients suffering a particular ailment is deceptive if it implies a certainty of results and/or creates unjustified or misleading expectations. If patient photographs are used, they should be of the physician's own patients and demonstrate realistic outcomes.

Consistent with federal regulations that apply to commercial advertising, a physician who is preparing or authorizing an advertisement or publicity item should ensure in advance that the communication is explicitly and implicitly truthful and not misleading. Physicians should list their names under a specific specialty in classified telephone directories and other commercial directories only if they are board certified or have successfully completed a training program in that specialty accredited by the Accreditation Council for Graduate Medical Education or approved by the Council on Postdoctoral Training of the American Osteopathic Association.

*\*Business letterheads, envelopes, cards, and similar materials are understood to be forms of advertising and publicity for the purpose of this Position Statement.*

(Adopted November 1999)

(Amended March 2001)

## **Regulating the Sale of Goods from Physician Offices**

At the January committee meeting it was decided to review the statements from the FSMB and the AMA regarding regulation of the sale of goods from physician offices. Dr Foust offered a draft position statement on the subject for discussion. Suggestions were made for modification of the proposal.

At the February committee meeting the FSMB recommendations regarding regulating the sale of goods from physicians' offices was reviewed. The need for this or a formal position statement on the subject was questioned. Dr Barrett commented on when ophthalmologists were told to stop selling glasses out of their offices. No conclusion was reached. Dr Kanof stated she would like the committee to review the AMA statement on this subject prior to making a decision.

On this date the AMA statement and the redraft of the position statement were reviewed.

**Motion:** A motion passed that the Board adopt the following position statement Sale of Goods from Physician Offices:

### **SALE OF GOODS FROM PHYSICIAN OFFICES**

The physician-patient relationship constitutes a fiduciary relationship between the physician and the patient in the strictest sense of the word "fiduciary." In this fiduciary capacity, physicians have a duty to place the interests of their patients above their own financial or other interests. Inherent in the in-office sale of products is a perceived conflict of interest with regard to physicians' fiduciary duty. Further, the for-profit sale of goods by physicians to patients raises ethical questions that should not intrude on the physician-patient relationship, as does the sale of products that can easily be purchased by patients locally.

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On this issue, it is the position of the North Carolina Medical Board that the following guidelines should inform the conduct of physicians.

Practice related items (such as ointments, creams, and lotions by dermatologists; splints and appliances by orthopedists; eye glasses by ophthalmologists; etc) may be dispensed only after the patient has been told if those items, or generically similar items, can be obtained locally from another source. Any charge made should be reasonable.

Due to the potential for patient exploitation, physicians are encouraged not to engage in exclusive distributorship and/or personal branding.

Physicians should not sell any non-health related goods from their offices or other treatment settings. (This does not preclude the selling of low-cost, non-health related items for the benefit of charitable or community organizations, provided the physician receives no share of the proceeds, that such sales are conducted only on an occasional basis, and that patients are not pressured into making purchases.)

(Adopted March 2001)

### **Development of Guidelines for Problem Physicians; A Discussion**

At the February committee meeting Dr Herring announced that he had been provided a disk of information by the Medical Board staff and is in the process of categorizing the information. He will then bring it back to the Committee with possible options on how to set it up the Guidelines. He requested the staff to obtain and review information regarding what other states are doing in this area.

On this date Dr. Herring stated that he had nothing to report but hopes to have something at the next meeting.

### **Annual Review of Position Statements**

(1) At the February committee meeting, it was decided that prior to reviewing the position statement on writing prescriptions, Mr. Watry would meet with the Executive Director of the Pharmacy Board. On this date Mr. Watry announced that he will be meeting with David Work, the ED of the Pharmacy Board next week.

(2) The position statement on care of cataract patients was reviewed and revised extensively. The name has been changed to *Care of Surgical Patients*.

**Motion:** A motion passed that the Board adopt the following revised Position Statement on *Care of Surgical Patients*:

### **CARE OF SURGICAL PATIENTS\***

The evaluation, diagnosis, and care of the surgical patient is primarily the responsibility of the surgeon. He or she alone bears responsibility for ensuring the patient undergoes a preoperative assessment appropriate to the procedure. The assessment shall include a review of the patient's data and an independent diagnosis by the operating surgeon of the condition requiring surgery. The operating surgeon shall have a detailed discussion with each patient regarding the diagnosis and the nature of the surgery, advising the patient fully of the risks involved. It is also the responsibility of the operating surgeon to reevaluate the patient immediately prior to the procedure.

It is the responsibility of the operating surgeon to assure safe and readily available postoperative care for each patient on whom he or she performs surgery. It is not improper to involve other licensed health care practitioners in postoperative care so long as the operating surgeon maintains responsibility for such care. The postoperative note must reflect the findings encountered in the individual patient and the procedure performed.

When identical procedures are done on a number of patients, individual notes should be done for each patient that reflect the specific findings and procedures of that operation.

*\*This position statement was formerly titled, "Ophthalmologists: Care of Cataract Patients."*

(Adopted September 1991)  
(Amended March 2001)

### **Ownership of Lasik Lasers**

The Medical Board received a letter from Joy M. Hord of Parker Poe Adams & Bernstein LLP, asking whether it is appropriate for an optometrist or a group practice composed exclusively of optometrists to own an excimer laser (the laser used for the Lasik procedure)? This was discussed. It was noted that this was not within the Board's purview.

**Motion:** A motion passed that Ms. Hord be sent a letter stating the above with the new *Care of Surgical Patients* position statement enclosed.

There being no further business, the Policy Committee meeting adjourned at 3:05 p.m., Wednesday, March 14, 2001.

## **EXECUTIVE COMMITTEE REPORT**

Elizabeth Kanof, MD; Walter Pories, MD; John Dees, MD; Paul Saperstein

Chairman, Liz Kanof, MD, President; called the Executive Committee of the North Carolina Medical Board to order at 8:30 am. Members in attendance were Paul Saperstein, Walter J. Pories, Vice President; John Dees, MD, Secretary/ Treasurer; Andy Watry, Executive Director; Peter Celentano, Controller; Diane Meelheim, Assistant Executive Director.

March financials were discussed in detail. Mr. Saperstein noted that the Board continues in the black.

There are a number of new Board members who need an orientation to the Directors and Officers Insurance policy. This is to be given by Ms Meelheim at the Wednesday evening Dinner.

Dr. Kanof presented a work sheet, which she endorsed as a method of conveying policy information among members of the Executive Committee. This will be discussed in more depth at a later meeting. Mr. Watry presented his information regarding his worksheet.

**Motion:** A motion passed to approve the report as presented.

**Motion:** (SH, EKF) A motion passed that staff bring back additional information on Directors and Officers Insurance at the next meeting, and to pursue getting additional coverage.

## **EMERGENCY MEDICAL SERVICES (EMS) COMMITTEE REPORT**

Walter Pories, MD; Aloysius Walsh; Robin Hunter-Buskey, PAC

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 EMS Committee reported on 2 investigative cases. A written report was presented for the Board's review. The specifics of this report are not included as these actions are not public information.

**March 14-17, 2001**

A motion passed to return to open session.

## PHYSICIAN ASSISTANT COMMITTEE REPORT

Walter Pories, MD; Aloysius Walsh; Robin Hunter-Buskey, PAC

### PA License Applications-

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

Board Action: Issue full licenses

<u>PHYSICIAN ASSISTANT</u>	<u>PRIMARY SUPERVISOR</u>	<u>PRACTICE CITY</u>
<b>Clarke</b> , Theresa Sharon	***	
<b>Cosgriff</b> , Janice Marie	<b>Goslen</b> , J. Blake	Charlotte
<b>Danielson</b> , Greg Urs	***	
<b>Garwood</b> , Dawn Marie	***	
<b>Wheeler</b> , Sheryl King	***	

### PA License Application for Committee Review-

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 one licensure application. 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.

### PA Intent to Practice Forms Acknowledged-

<u>PHYSICIAN ASSISTANT</u>	<u>PRIMARY SUPERVISOR</u>	<u>PRACTICE CITY</u>
Allred, Darrell Kevin	Hassell, Dayne Daniel	Greensboro
Beaman, Jr, Carlton Reid	Feasel, Michael John	Kinston
Bogart, Katherine Elizabeth	McKinney, Leslie Cheryl	Cary
Braccia, Lawrence Henry	Coric, Domagoj	Charlotte
Bradley, Jennifer	Willis, Charles Keith	Greensboro
Branson-Blake, Gayle	Loehr, Stephen Peter	Winston-Salem
Bryson, Jennifer Schwallie	Shoaf Jr., Edwin Huss	Charlotte
Buck, Philip Paul	Powell, Ronald Jones	Sanford
Carter, James	Zaidi, Syed Navaid	Windsor
Conti, Stacey	Rudyk, Mary Kathryn	Wilmington
Dale, Jr., Henry Sebron	Oaks, Timothy Eugene	Winston-Salem
Dalgleish, Debra Copeland	McMichael, Amy Jo	Winston-Salem
Daniel, Selwyn	Monahan, Michael	Raleigh
Dunkleberger, Vikki May	Craig, Trevor John	Taylorsville
Everett, Susan	Martini, Douglas John	Cary
Everson, Phillip Ray	Siegmann, James Ray	N. Wilkesboro
Gannon, Jennifer	Kimball, Robert Roy	Statesville

Hedgecock, Suzann Bryant	Hines, Anne Creech	Kernersville
Hedrick, Edward Arthur	Caudle, Robert Joseph	Raleigh
Hepler, James	Silver, Danny	Clinton
Huechtker, Edward Darrell	Williamson, Shirley Teresa	Greenville
Ingle, Carolyn Collins	Cook, Steven Lee	Winston-Salem
Jones, Tracy	Medina, Victor Anthony	Cary
Keller, Philip Arthur	Battels, Ralph Clare	Elizabeth City
Killon, Lynn Dobbins	Perry, Joseph Todd	Mt. Airy
Mashburn, Neil Teague	Perry, Joseph Todd	Mt. Airy
Masslofsky, Anthony Paul	Yarborough, Kimberly Mangum	Roxboro
Phillips, Jason Vann	Barnwell, Valerie Jeanne	Goldston
Roediger, Larry	Lykins, Kimberly Glenn	Albemarle
Schaffer, Valerie	Minor, Walter Nathan	Angier
Schoonmaker, John	Crane, Jonathan Stuart	Wilmington
Stanley, Glenn Martin	Templeton, David Wesley	Salisbury
Starr, Eric	Barnabei, Robert Anthony	Belmont
Starr, Karin Maria	Cloward, Davis Lisandro	Greensboro
Steitler, Laura Lynn	Crawford III, John Littlefield	Hendersonville
Suver, Joan Marie	McKinney, Leslie Cheryl	Raleigh
Trevor, Lawrence Grant	Whitaker, Gary Randall	Hendersonville
Underwood, Margot Hillary	Younce, Laura Leigh	Matthews
Van Vooren, Amy	McKinney, Leslie Cheryl	Cary
Vawter, Heather Anne	Axelbank, Arthur	Hillsborough
Whitmore, Donald Allen	Meyers, Allan Frederick	Fayetteville
Wigman, Edith Losey	Raju, Yeddu B.	Kinston

## NURSE PRACTITIONER COMMITTEE REPORT

Walter Pories, MD; Aloysius Walsh, Robin Hunter-Buskey, PAC

### NP Initial Applications Recommended for Approval after Staff Review-

Board Action: Approve

<u>NURSE PRACTITIONER</u>	<u>PRIMARY SUPERVISOR</u>	<u>PRACTICE CITY</u>
<b>Caudill</b> , Victoria Mueller	<b>Andreou</b> , Costa	Gastonia
<b>Cunningham</b> , Lisa K.	<b>Granfortuna</b> , James M.	Greensboro
<b>Gold</b> , Melissa Regina	<b>Riemann</b> , Lana J.	Richfield
<b>Gold</b> , Melissa Regina	<b>Royer Jr.</b> , Harrell C.	Oakboro
<b>Hogan</b> , Catherine Ann	<b>Sanderson</b> , Iain C.	Durham
<b>Jackson-Malina</b> , Judith Ann	<b>Hart</b> , Robert E.	Hickory
<b>Johnson</b> , Susan Frances	<b>Lenihan</b> , Daniel J.	Chapel Hill
<b>Krueger</b> , Charlene Ann	<b>Hilton</b> , Suzanne E.	Winston-Salem
<b>Maloney</b> , Judith Robinson	<b>Clark</b> , Alan B.	Gastonia
<b>Mizelle-Buck</b> , Joyce B.	<b>Bramley</b> , Michael L.	Greenville
<b>Montgomery</b> , Sonya Minter	<b>Hamrick</b> , Allen W.	Chapel Hill
<b>Pellicciari</b> , Rita Alice	<b>Rudyk</b> , Mary K.	Wilmington
<b>Pulido</b> , Karen Patterson	<b>Runge</b> , Marschall S.	Chapel Hill
<b>Stensland</b> , Judith D.	<b>Hyman</b> , Henry T.	Williamston
<b>Wilson</b> , Marilyn Kay	<b>Kushwaha</b> , Alok P.	Fayetteville

**NP Subsequent Applications administratively approved-**

Board Action: Approve

<u>NURSE PRACTITIONER</u>	<u>PRIMARY SUPERVISOR</u>	<u>PRACTICE CITY</u>
<b>Abimbola</b> , Ebunoluwa	<b>Beauford</b> , Wayne	High Point
<b>Brown</b> , Laura M.	<b>Wells</b> , Steven R.	Raleigh
<b>Buck</b> , Tiffany A.	<b>Bolin Jr.</b> , Paul	Greenville
<b>Burkett</b> , Amy H.	<b>Cummings</b> , Lorraine M.	Asheville
<b>Cai</b> , Sujuan	<b>Narang</b> , Yadvinder	Fresno, CA (VA Center)
<b>Cunningham</b> , Lynda F.	<b>Hinderliter</b> , Alan L.	Chapel Hill
<b>Eguakum</b> , Kehinde A.	<b>Soberano</b> , Arlene	Chapel Hill
<b>Godfrin</b> , Georges P.	<b>Nanni</b> , Frederica J.	Winston-Salem
<b>Gott</b> , Kristi K.	<b>Caldwell</b> , Cecelia R.	Asheville
<b>Huggins</b> , Inez M.	<b>Kincius</b> , Constance A.	Burlington
<b>Huggins</b> , Inez M.	<b>Washington</b> , John L.	Burlington
<b>Kelsey</b> , Dwan L.	<b>Brown</b> , Josephine	Raleigh
<b>Kimble-Hahn</b> , JoAnn	<b>Norstrom</b> , Carl	Locust
<b>Kitchen</b> , Constance P.	<b>Barnes</b> , Victor R.	Jacksonville
<b>Mikulaninec</b> , Claudia M.	<b>Chandler</b> , Edgar T.	Winston-Salem
<b>Olshinski</b> , Philip T.	<b>Hinson</b> , Jonathan C.	Lexington
<b>Parrish</b> , Rebecca S.	<b>Beauford</b> , Wayne	High Point
<b>Sarno</b> , Ersilia	<b>Womble</b> , James C.	Cary
<b>Stoneham</b> , Ramona B.	<b>Guthrie</b> , Todd B.	Fletcher
<b>Taylor</b> , Marion M.	<b>Schiller</b> , Ernest L.	Greensboro
<b>Walker</b> , Tonya R.	<b>Beauford</b> , Wayne	High Point
<b>Weston</b> , Carol B.	<b>DuBard</b> , Carol A.	Burlington
<b>Weston</b> , Carol B.	<b>Kincius</b> , Constance	Burlington
<b>Woodruff</b> , Susan L.	<b>Kim</b> , Lyndon	Jacksonville

**PHYSICIAN ASSISTANT ADVISORY COUNCIL REPORT**

Walter Pories, MD; Aloysius Walsh, Robin Hunter-Buskey, PAC

The PAAC met on March 13, 2001. There was no official Medical Board representation at this meeting but Ms. Meelheim and Mr. Walsh. The PAAC wants the Medical Board to set terms and establish who would be appointed to the PAAC so that they may appoint officers. They want to meet again within the next two months.

There is concern that bylaws will create a rigid structure and coupled with the proposed terms it does not bring the council and the Board closer.

The suggestion was made to write a letter relaying how important the PAAC is to the Board but explain that bylaws and terms are not in the best interest of the relationship at this time.

**Motion:** (WP, AW) A motion passed that a member of the Medical Board be Chair of the Physician Assistant Advisory Council.

**Motion:** (WP, AW) A motion passed that Ms. Hunter-Buskey be nominated for the position of Chair of the Physician Assistant Advisory Council.

## LICENSING COMMITTEE REPORT

Kenneth Chambers, MD; Robin Hunter-Buskey, PAC; E.K. Fretwell

### BOARD AGENTS

Catchline: Mrs. Walston and Dr. Henry have expressed an interest in serving as Agents of the Board. The committee recommended Mrs. Walston and Dr. Henry be appointed as Agents of the Board.

**Board Action:** Appoint Mrs. Walston and Dr. Henry Agents of the Board.

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 12 licensure 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 as 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.

Seven 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 as these actions are not public information.

A motion passed to return to open session

### APPLICANTS PRESENTED TO THE BOARD

Ole Sami Aassar	Robert Lawrence Cox	Morris Ben Chancey Gottlieb
Abdelhamed Ibrahim	Robert Gordon Cumming	Jonathan Scott Green
Abdelhamed	Andrea Faulconer Currens	Edward Michael Harding
Deanna Wilson Adkins	John Wood Currens	Lisa Beth Hightow
Egede Julius Aitsebaomo	Manish Nalinkant Damani	Derrick Shayne Hines
Rhonda Kaye Arnette	Nicole Maria D'Andrea	Maija Holsti
Kevin Kendall Bach	Leigh Masten Dodson	Melissa Anne Hood
Michael Sean Baker	Harlan Fred Dorey	Christine Robillard Isaacs
Vasanth Bantwal Baliga	Jon J. Ehrich	Jennifer Lavette Johnson
Lee Anne Bankaitis	Matthew James Ellis	Joy Mooring Johnson
Ross Joseph Bellavia	Jackie Rex Faircloth Jr.	Dwayne Eric Jones
Mark Leekley Bland	Boleslaus Alan Falinski	Bobby Paxton Kearney
Brian Patrick Bowman	Gonzalo Andres Fernandez	Mark Lewis Kiefer
Stephen Dechman Brown Jr	Robert Lawrence Figueroa	Rex Allison Kiteley II
Alvin Everett Cheatham	Stephan John Finical	Jeffrey Allen Klein
Stephen Victor Chiavetta III	James Joseph Flowers	Randall Brian Knutson
Ian Zeyen Chuang	Michael Kevin Flynn	Sandhya Rani B. Kumar
Devin Mark Ciliberti	David Hugh Frazer III	Frank Michael Lachina
Bruce Elliot Cohen	Robert LeRoy Gauer	Elizabeth Ann Leistikow

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Laura Gale Lym  
Lee Alexander Maddox  
Gregory Read Malcolm  
Michele Mangum  
Lisa Gayle Marshall  
Mark Andrew Martin  
Edward James McGonigle  
Jimmy Mistry  
Stephen Howard Montaldi  
Henry Moyle  
Dennis Ray Nabors  
Shujaat Ali Nathani  
Mark Lewis Nelson

Elizabeth Woods Oates  
Kavita Sharda Persaud  
Rebecca Ruby Powers  
Stephanie Rozier Richter  
Joyce Iris Ross  
Andrew Michael Ross  
Richard James Rolfes  
Bryon Evan Rubery  
Mark Alan Sargent  
Rahman Shah  
John Shangkyun Shin  
Sesalie Lynn Smathers  
William Clement Snyder

Rebecca Lyn Spaulding  
Elizabeth Norman Sponcler  
Jason Todd Sprouse  
Heather Berkey Stout  
Christopher Gregg Tobin  
Alison Patricia Toth  
Carol Ann Trakimas  
Tedman Luster Vance  
Jayadeep Srinivas Varanasi  
Dorothy Vaughn Vincent  
Michael Thomas Wingate  
Charissa Joan Wai Wong

### LICENSES ISSUED BY ENDORSEMENT AND EXAM

Ole Sami Aassar  
Abdelhamed Ibrahim Abdelhamed  
Deanna Wilson Adkins  
Egede Julius Aitsebaomo  
Rhonda Kaye Arnette  
Kevin Kendall Bach  
Michael Sean Baker  
Vasanth Bantwal Baliga  
Lee Anne Bankaitis  
Mark Leekley Bland  
Brian Patrick Bowman  
Stephen Dechman Brown Jr  
Alvin Everett Cheatham  
Stephen Victor Chiavetta III  
Ian Zeyen Chuang  
Robert Lawrence Cox  
Robert Gordon Cumming  
Andrea Faulconer Currens  
John Wood Currens  
Manish Nalinkant Damani  
Nicole Maria D'Andrea  
Leigh Masten Dodson  
Harlan Fred Dorey  
Jon J. Ehrich  
Jackie Rex Faircloth Jr.  
Boleslaus Alan Falinski  
Gonzalo Andres Fernandez  
Robert Lawrence Figueroa  
Stephan John Finical  
James Joseph Flowers  
Michael Kevin Flynn  
David Hugh Frazer III  
Morris Ben Chancey Gottlieb  
Jonathan Scott Green  
Edward Michael Harding  
Lisa Beth Hightow  
Derrick Shayne Hines  
Maija Holsti

Melissa Anne Hood  
Christine Robillard Isaacs  
Jennifer Lavette Johnson  
Dwayne Eric Jones  
Mark Lewis Kiefer  
Rex Allison Kiteley II  
Jeffrey Allen Klein  
Randall Brian Knutson  
Sandhya Rani B. Kumar  
Frank Michael Lachina  
Laura Gale Lym  
Lee Alexander Maddox  
Gregory Read Malcolm  
Michele Mangum  
Mark Andrew Martin  
Henry Moyle  
Shujaat Ali Nathani  
Mark Lewis Nelson  
Elizabeth Woods Oates  
Kavita Sharda Persaud  
Rebecca Ruby Powers  
Andrew Michael Ross  
Richard James Rolfes  
Bryon Evan Rubery  
Mark Alan Sargent  
Rahman Shah  
John Shangkyun Shin  
Sesalie Lynn Smathers  
William Clement Snyder  
Rebecca Lyn Spaulding  
Elizabeth Norman Sponcler  
Jason Todd Sprouse  
Heather Berkey Stout  
Alison Patricia Toth  
Carol Ann Trakimas  
Tedman Luster Vance  
Jayadeep Srinivas Varanasi  
Dorothy Vaughn Vincent

Michael Thomas Wingate  
Charissa Joan Wai Wong

Stephanie Rozier Richter  
Lisa Gayle Marshall  
Christopher Gregg Tobin  
Bobby Paxton Kearney

**Interview Forms Not Back**

Robert Leroy Gauer  
Ross Joseph Bellavia  
Bruce Elliot Cohen

**REINSTATEMENTS**

Joy Mooring Johnson  
Elizabeth Ann Leistikow

**REACTIVATIONS**

**NORTH CAROLINA PHYSICIANS HEALTH PROGRAM (NCPHP)  
COMMITTEE REPORT**

Kenneth Chambers, MD; John Dees, MD; Charles Garrett, MD

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.

The Board reviewed 14 cases involving participants in the NC Physicians Health Program. 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.

**COMPLAINT COMMITTEE REPORT**

John Dees, MD; Elizabeth Kanof, MD; Walter Pories, MD; Aloysius Walsh

The full Board reviewed and approved the complaint committee report noted below.

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 26 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 as these actions are not public information.

A motion passed to return to open session.

**INVESTIGATIVE COMMITTEE REPORT**

Paul Saperstein; Stephen Herring, MD; Robin Hunter-Buskey, PA-C; John Foust, MD; Charles Garrett, 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 27 investigative cases. A written report was presented for the Board's review. The Board adopted the committee's recommendation

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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.

## **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.

Twenty-nine informal interviews were conducted. A written report was presented for the Board's review. The Board adopted the Split Boards' recommendations and approved the written report as modified. The specifics of this report are not included as these actions are not public information.

A motion passed to return to open session.

## **MALPRACTICE COMMITTEE REPORT**

John Dees, MD; Elizabeth Kanof, MD; Walter Pories, MD; Aloysius Walsh

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 Malpractice Committee reported on 2 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.

## **ADJOURNMENT**

This meeting adjourned on March 16, 2001.

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John T. Dees, MD  
Secretary/Treasurer