

# **MINUTES**

North Carolina Medical Board

**May 14-15, 2003**

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

Minutes of the Open Sessions of the North Carolina Medical Board Meeting May 14-15, 2003.

The May 14-15, 2003, 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 8:00 a.m., Wednesday, May 14, 2003, by Charles L. Garrett, MD, President. Board members in attendance were: Stephen M. Herring, 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 (May 14 only); Walter J. Pories, MD; 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; Ms. Wanda Long, Legal Assistant; Ms. Lynne Edwards, Legal Assistant; Mr. Don R. Pittman, Interim Investigative Department Director; Mr. Edmund Kirby-Smith, Investigator; Mr. Fred Tucker, Investigator; Mrs. Therese Dembroski, Investigator; Mr. Jason Ward, Investigator; Ms. Jenny Olmstead, Senior Investigative 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; Ms. Kathleen Lopez, Licensing Assistant; Ms. Alexa Kapetanakis, PA/NP Coordinator; Ms. Michelle Lee, Licensing Assistant; Tammy O'Hare, GME Coordinator; Ms. Annette Marcussen, 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/HR Coordinator; Ms. Rebecca L. Manning, Database Coordinator; Ms. Ann Norris, Verification/Corporation Coordinator; Mrs. Janice Fowler, Operations Assistant; Mr. Peter Celentano, Comptroller; Mr. David Shere, Receptionist; Mr. Donald Smelcer, IT Department Director; and Mr. Jeffery T. Denton, Executive Assistant/Board Recorder.

## **MISCELLANEOUS**

### **Presidential Remarks**

Dr. Garrett 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.

Mr. Henderson announced that Mr. Curtis Ellis had been hired as the new Investigative Department Director and that Mr. Hari Gupta, a previous Board Member, had been hired as the Operations Department Director.

Mr. Henderson reported on and provided a hand out regarding bills pending in the General Assembly that might be of interest to the Medical Board.

Mr. Gupta reported on the status of the move to the new building. He stated that the move to the second floor would begin on May 30 and the first floor should be completed by June 27.

### **Nominations**

The Executive Committee met at the Office of the Medical Board on May 14, 2003. Present were: Charles Garrett, MD; Stephen Herring, MD; Robert Moffatt, MD; and Walter Pories,

MD. Due to the recent resignation of the Board Treasurer, the following candidate for unexpired term of the Treasurer was made to the Board:

Treasurer - H. Arthur McCulloch, MD

There were no nominations from the floor.

**Motion:** A motion passed to approve the Executive Committee Nominations as presented to the Board; Arthur McCulloch, MD was elected as the Board Treasurer.

## **MINUTE APPROVAL**

**Motion:** A motion passed that the April 23-24, 2003, Board Minutes be 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.

Thomas Mansfield, Legal Director, presented his report.

## **PENDING CASES**

A written report on 143 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.

## **EXECUTED CASES**

**COYNE, Mark Dennis MD**

Terminate of Consent Order executed 4/2/2003

**GASTON, Johnny Eugene MD**

Notice of Charges executed 3/31/2003

**GOTTSCHALK, Bernard Joseph MD**

Consent Order executed 4/17/2003

**LEMAIRE, Pierre-Arnaud P. MD**

Deny Motion to Dismiss executed 3/31/2003

**MARBACH, James Christian MD**

Consent Order executed 4/17/2003

**MATTHEWS**, Charles Joseph MD  
Consent Order executed 4/17/2003

**MCCLELLAND**, Scott Richard DO  
Consent Order executed 4/22/2003

**MUNCHING**, Aaron A. PA  
Consent Order executed 4/24/2003

**NEWTON**, Jimmie I. MD  
Consent Order executed 2/19/2003

**RAPALJE**, James John PA  
Consent Order executed 4/24/2003

**WEISNER**, Larry Felix MD  
Consent Order executed 4/17/2003

### **HEARINGS**

**CUMMINGS**, Richard Edward MD  
Kinston, NC  
DATE OF BIRTH: 02/07/1950  
SPECIALTY: PS

**5/2003 BOARD ACTION:** Accept proposed Consent Order in lieu of hearing

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

Dale Breaden, Communications Director, presented the following report:

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

## **POLICY COMMITTEE REPORT**

Stephen Herring, MD; Charles Garrett, MD, Chair; Aloysius Walsh; Michael Norins, MD; Arthur McCulloch, MD

The Policy Committee of the North Carolina Medical Board was called to order at 3:30 PM, Wednesday, April 23, 2003, at the office of the Board. Present were: Stephen M. Herring, MD, Chair; Charles L. Garrett, MD; Michael E. Norins, MD; Mr Aloysius P. Walsh; and Arthur McCulloch, MD. Also attending were Walter Pories, MD, Board member; Mr Hari Gupta, Board Member; Jesse Roberts, MD, Medical Director, NCMB; Thomas Mansfield, JD, Board Attorney, NCMB (PC Staff); Brian Blankenship, JD, Board Attorney, NCMB; Mary Wells, JD, Board Attorney, NCMB; Amy Yanowitz, JD; Mr Dale G Breaden, Director, Public Affairs, NCMB (PC Staff); and Mr Jeffery T. Denton, Board Recorder (PC Staff).

NB: **Recommendation to Board**=Committee's request for Board consideration of item.  
**Action**=Item related to the Committee's own work or deliberations.

### **Minutes (Dr Herring)**

The February 2003 Policy Committee minutes were presented for information only, having been approved previously.

### **Purchased Laboratory Tests (Dr Herring and Mr Mansfield)**

At the June 2002 Board meeting, a motion passed that the Board and Medical Society's attorneys jointly seek a private opinion from the AMA Council on Ethical and Judicial Affairs concerning this question, asking it about the ethical issues involved.

Additional information was received, including a policy developed by the North Carolina Society of Pathologists (NCSP). It was also reported that the president of the North Carolina Medical Society would be willing to put together a working group of the Society and Board members to review the issue. At the October 2002 Committee meeting, several guests spoke to the issue, including Keith Nance, MD, President, North Carolina Society of Pathologists; Laura Lomax, MD, President, North Carolina Dermatology Association; William S. Ketcham, MD, practicing dermatologist; John Bower, MD, practicing pathologist; and Michael Crowell, JD, of Tharrington Smith.

At the December 2002 Committee meeting, the following comments were received from interested individuals attending the meeting.

Michael Crowell, JD, repeated his position of October that the Board should have a position statement on markups. He then introduced Jane Pine Wood, JD. Ms Wood indicated that she represents 85 groups in 35 states. She reviewed several issues: the incentive for the national pathology provider to get Medicare work; the element of quid pro quo; medical work in exchange for discounts; the physician's looking for the most cost effective provider and not necessarily the best quality provider; possible violation of anti-kickback law; the AMA's ethical opinion, adopted over 20 years ago, that physicians should not be purchasing services and putting a markup on those services; the need for more specific guidance for physicians in North Carolina; states that require direct billing; states that take a position that services can be marked up as long as the bill shows what that markup is. She expressed concern that North Carolina is unregulated in this regard and the Inspector General of HHS has said they could view a discount by a pathology provider to a physician as violation of the anti-kickback law. In her clients' jurisdictions, where by statute a markup for a handling fee is permitted, the fees are generally under \$10, and are tied to the service. However, it is not uncommon for discounts to be offered on pathology services of up to 50%, with physicians adding a markup.

At the February 2003 meeting, Mr Mansfield indicated this subject continued to be a work in progress, with the North Carolina Medical Society coordinating the efforts. In addition, he indicated there would be no opinion coming from the AMA Council on Ethical and Judicial Affairs.

At this meeting, Mr Mansfield said he expects something from the Medical Society relatively soon, though there is nothing new to report at present. He will report the results of the Medical Society's efforts to Dr Herring when they are available.

### **Optometrists Performing Certain Injections (Dr Garrett and Mr Mansfield)**

September 18, 2002, Dr Pories 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 this April Policy Committee meeting, Mr. Mansfield reported that negotiations with Mr. Loper are continuing.

Legal Matters (Closed pursuant to NCGS 143-318.11(a) and to preserve attorney client confidences) Mr. Mansfield discussed legal matters regarding potential litigation with the committee in a closed session (no written materials were included).

**Action:** Mr Mansfield’s report was accepted and he was asked to continue meeting with Mr. Loper.

### **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 HIPAA implications might be.

**Action:** Due to the absence of Ms Phelps, this item is tabled until the June 2003 Policy Committee meeting.

### **Board’s Physician-Patient Relationship Statement (Mr Henderson)**

The Board received a letter from Fred M. Carmichael, JD, of Sumrell, Sugg, Carmichael, Hicks & Hart, PA, who asked for the position of the Board on several detailed

questions regarding the establishment and/or termination of the physician-patient relationship described in specific situations noted in his correspondence.

Mr Henderson commented that he had already spoken with the North Carolina Medical Society, which is currently conducting a study of these issues. He also spoke with Mr Carmichael, who seemed to be satisfied with holding off a response from the Board until the Medical Society completes its study. The Medical Society has agreed to fold Mr Carmichael's questions into their study.

At the December 2002 Committee meeting, it was decided that this item would be tabled until the Medical Society completes its study and the Board has had the opportunity to review the results of that study. The Medical Society will also study the issue of specialty surgeons being required to take call for general surgery.

In February, Ms Phelps announced that the study was still underway and there was nothing to report at that time.

**Action:** Ms Phelps being unable to attend this meeting, this item is tabled until the June 2003 meeting of the Committee.

#### **Board's Medical Records Statements and HIPAA (Ms Phelps)**

**Action:** Ms Phelps being unable to attend this meeting, this item is postponed until the June 2003 meeting of the Committee.

There being no further business, the meeting adjourned. The next regular meeting of the Policy Committee is tentatively set for 3:30PM, Wednesday, June 18, 2003.

## **EXECUTIVE COMMITTEE REPORT**

Charles Garrett, MD; Stephen Herring, MD; Robert Moffatt, MD; Arthur McCulloch, MD; Walter Pories, MD

### **FINANCE COMMITTEE**

The Finance Committee of the North Carolina Medical Board was called to order at 8:30 am on Wednesday April 23, 2003, at the offices of the Board. Present were: Mr. Hari Gupta, Chair; E.K. Fretwell, Ph.D.; and H. Arthur McCulloch, MD. Members of the staff in attendance were R. David Henderson, JD (Executive Director) and Peter T. Celentano, CPA (Comptroller).

#### **Financials**

Mr. Celentano, CPA, presented to the committee the February 2003 compiled financial statements. February 2003 is the fourth month of fiscal year 2003.

A certificate of deposit was liquidated in February and transferred to a money market account in anticipation of closing on the building.

Mr. Celentano explained to the Committee the possible reasons for the shortfall that currently exists in the physician registration account.

Dr. McCulloch inquired about the average charged by other states for annual physician registration.

Mr. Gupta inquired about the possibility of adding a column to the Income Statement that would show the annual budget. Mr. Celentano informed the Committee that this would be done for next month.

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

#### **Billing of Datalink – subscription charge**

Mr. Gupta updated the Committee of the results to date of the Datalink billing. Invoices were sent on February 26, 2003 to bill current users an annual subscription charge of \$1,000 for

continued use of Datalink for calendar year 2003. Second notices were sent out on April 22 and we hope to hear from all users by May 15, 2003.

### **EXECUTIVE COMMITTEE**

The Executive Committee of the North Carolina Medical Board was called to order at 9:45 am, Wednesday April 23, 2003 at the offices of the Board. Present were: Charles L. Garrett, MD Chair; Stephen M. Herring, MD; Mr. Hari Gupta; Robert C. Moffatt, MD; and Walter J. Pories, MD. Also attending were Mr. Aloysius Walsh. Members of the staff in attendance were R. David Henderson, JD (Executive Director) and Peter T. Celentano, CPA (Comptroller).

#### **Financials**

Mr. Celentano summarized the February 2003 financial statements and comments that were reviewed by the Finance Committee.

Mr. Celentano explained to the Committee that one of the certificates of deposits was liquidated in anticipation of the building purchase.

Dr. Pories inquired about how items on the Balance Sheet are reported. Mr. Celentano stated that items on the Balance Sheet are recorded at historical cost. This means that the Balance Sheet reports the amount paid for in cash without regards to market, resale or replacement value.

Mr. Celentano explained how the building purchase should impact the Balance Sheet.

Mr. Celentano explained that he would be adding a new column to the Income Statement that will show the annual budget amounts for each account classification.

Mr. Gupta and Mr. Celentano updated the Committee on fiscal year 2003 budget in order to keep them informed of the anticipated deficit at the end of October 2003. Mr. Gupta inquired as to where the funds would come from to fund this deficit. Mr. Celentano stated that he would get an answer in writing from the bank by next month as to whether we could liquidate a portion of the CD without penalty to fund this deficit.

Mr. Celentano updated the Committee on the status of our investments. At the end of February 2003, the Board had one certificate of deposit. Dr. Garrett inquired about the possibility of shifting into other fixed income instruments.

#### **Minutes**

Minutes for the March 2003 meeting were presented and approved.

#### **Internet Access**

Mr. Gupta reviewed the implementation procedure previously approved for obtaining Internet access via DSL or broadband service.

#### **Billing of Datalink – subscription charge**

Mr. Gupta reviewed with the Committee the results to date of the Datalink billing. Invoices were sent on February 26, 2003 to bill current users an annual subscription charge of \$1,000 for continued use of Datalink for calendar year 2003. Second notices were sent out on April 22 and we hope to hear from all users by May 15, 2003. This is a concern because it represents a large variance in the amount of revenue that was budgeted for fiscal year 2003. The shortfall in revenue is expected to be approximately \$54,000.

#### **Advertising in The Forum**

Dr. Herring inquired as to the possibility of allowing businesses to advertise in the Forum as a means to defray the costs associated with printing and mailing of this quarterly publication.

### **Fee Increase**

Dr. Garrett informed the Committee that North Carolina was behind as far as median fees charged and that it is not too early to begin looking at a fee increase. Mr. Henderson stated he would have staff pull together statistics of other states' registration fees.

### **Compliance Committee**

Dr. Garrett informed the Committee of the elimination of the Compliance Committee and the reasons why the tasks of the Committee should be combined into the Investigative Committee. The new CME requirements were also discussed.

### **Old Business**

High-speed access / Board e-mail accounts: Mr. Henderson informed the Committee of the desire to establish a deadline for eliminating the AOL accounts. Dr. Garrett made a motion to set a deadline of May 31, 2003 to terminate the AOL accounts that were formerly used for Internet access and e-mail. The motion was seconded and approved.

### **New Business**

Hearing options: Mr. Thomas Mansfield and Dr. Herring discussed with the Committee the options available in order to move more cases to hearing. The Office of Administrative Hearings employs Administrative Law Judges who can be utilized to hear certain cases. Dr. Pories made a motion to allow the Legal Dept. to work with the President (Dr. Garrett) to identify appropriate cases for referral to Administrative Law Judges in an effort to move more cases to hearing in a more timely manner. The motion was seconded and approved.

## **ALLIED HEALTH COMMITTEE REPORT**

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

### **APRIL 2003 ALLIED HEALTH COMMITTEE MINUTES**

Michael Norins, MD, Chair; Robin Hunter Buskey, PA-C, H Arthur McCulloch, MD, E.K. Fretwell, Ph.D., Marcus Jimison, JD, Alexa Kapetanakis, Jennifer Duckett

#### **March 2003 Minutes**

- Approved

#### **NP Proposed Rule Change**

- The committee continued reviewing the NP proposed rule changes.

#### **Pharmacists Administering Immunizations**

- Mr. Jimison reported that 33 states now allow pharmacists immunizations. He provided example rules from the following states: Kansas, Oregon, Texas, Pennsylvania and California.
- The committee supports the rule in concept but feels the language lacks detail and specificity. It was suggested to relay this message to the Board of Pharmacy with the examples distributed in the Allied Health Meeting.

**CPP Program/Scope of Practice**

- Dr. Norins presents his concern with the CPP scope of practice issue and the fact that we do not have a very detailed standard of what we expect the CPP to provide in the application.
- Mr. Jimison refers to the CPP rule 21NCAC 32T.0101(f) and reads what the written CPP agreement shall include. The committee feels this rule supports their intent to be more specific
- The committee agrees to write a letter informing the Board of Pharmacy of the intent to be more demanding in the specificity on the applications.
- The committee agrees to inform the Medical Board of the intent to be more rigorous in what we require for approval to practice as a CPP.
- Dr. Norins suggests that he will get together with the staff to create a template for CPP applications.

Staff Research Update-Length of Midwifery Committee member terms and who makes the appointments

- Research shows: 1999-a motion was made and passed which removed the term limits for officers of the midwifery joint committee
- It is suggested to further research the time line of the history of the Midwifery Committee.

**March EMS Report**

- The report was accepted and will be presented to the full Board

**Distributed Items**

- Pharmacist rules regarding immunizations from Kansas, Oregon, Texas, Pennsylvania and California

**Closed Session:**

Vote List: Approved

**APPLICANTS LICENSED**

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

<u>PHYSICIAN ASSISTANT</u>	<u>PRIMARY SUPERVISOR</u>	<u>PRACTICE CITY</u>
None		
PA Applicants to be licensed after receipt of acceptable SBI report-		
Crabtree, Amy	***	
Dunn, Bryan	***	
Edwards, Crystal	***	
Jackson, Marylee	Buehler, James	Lake Toxaway
Lands, Carol	***	
Shinnick, Joseph	***	
Swearingen, Jennifer	Deal, Stephen	Charlotte

**PA - Intent to Practice Forms Acknowledged**

<u>PHYSICIAN ASSISTANT</u>	<u>PRIMARY SUPERVISOR</u>	<u>PRACTICE CITY</u>
----------------------------	---------------------------	----------------------

Bass, Kenya Dameta	Mansfield, Eric LeMoine	Fayetteville
Beaman, Carlton Reid Jr	Robertson, Carroll Bracey III	Wilson
Billups, Jill Ann	Bahner, Richard Scott	Wilmington
Blake, John Alden	Zinicola, Daniel Francis	Rocky Point
Burney-Pinska, Elizabeth	Walden, Tony Lee	Concord
Chase, Bradford Alan	Gallemore, Warren Gholson	High Point
Chrismon, Dennis Eugene	Strickland, James Donald	Burlington
Crosby, Tajuana Dushun	Reyes, Rodolfo Constantino	Benson
Davis, Eddie Dean	Tankersley, William Stephen	Concord
Decristofaro, Louis T.	Boleman, Robert Charles	Hendersonville
Dial, Michael Lynn	Alligood, Gilbert Ray Jr.	Tarboro
Echard, Earl Vester	Reyes, Rodolfo Constantino	Angier
Egerer, James Patrick	Tobin, Christopher Gregg	Wilmington
Elliott, Lawrence Craig	Vargas, Ricardo	Biscoe
Gregory, Ginger Dobbins	Reyes, Rodolfo Constantino	Angier
Hatefi, Reza John	Guha, Subrata	Clayton
Hutton, Carl Anthony	Snyder, Benedict Stewart R.	Sanford
Idol, Julie Lynn	Beaton, Robert Leon Jr.	Greensboro
Jackson, Mark Emerson	Boleman, Robert Charles	Hendersonville
Jeziak, Janet Ann	McHutchison, John George	Durham
Kendall, Tara Beth	Dunn, Karen Diane	Raleigh
Kowaleski, Jennie Lynn	Mollin, Daniel Joseph Jr.	Raleigh
Lockett, Amy Joy	Leget, Gail Ann	Lumberton
Maddux, Joseph Michael	Zacco, Arthur	Apex
Mesa, Gregory Robert	Boleman, Robert Charles	Hendersonville
Moench, Carolyn Markle	Williams, Joan Reback	Yadkinville
Monahan, Kristen H	Leone, Peter Anthony	Raleigh
Neil, Priscila Trinidad	Knox, Angelina Edralin	Wilmington
Oxendine, Dinah Hunt	Frazier, Richard Ellis	Enfield
Payne, Andrea Leslie	Hinson, Thomas Riley Jr.	Winston-Salem
Peceovich, Louise Ann	Heery, Lee Bruce	Gastonia
Phillips, Jason Vann	Karam, Philip Jerome	Liberty
Pixton, Jan Maree	Farley, David Lee	Franklin
Reymore, Tracy Ann	Blount, Charles Whitner Jr.	Matthews
Richards, Jamie Leann	Dales, Linda Mary	Norlina
Shutak, Michael II	Reece, Donald Brooks II	Morehead
Stone, Todd Iverson	Boleman, Robert Charles	Hendersonville
Streahle, Michael Yvan	Briggs, John Leslie Jr.	Lillington
Walters, Tammy Elaine	Sawyer, Barbara Ann	Elizabeth City
Welliver, Ian Thompson	Jones, Lawrence Ralph	Asheville
Whitmore, Donald Allen	Mead, Robert J.	Fayetteville
Wilkins, Bobbi Lynn	Polascik, Thomas James	Durham
Wilkinson, Donald Edward	Boleman, Robert Charles	Hendersonville

**NP – Initial Applications Recommended for Approval after Staff Review-**

NURSE PRACTITIONER

Arthur, Pamela  
Bridgell, Mary  
Cardenas, Jacqueline  
Carpenter, Phyllis

PRIMARY SUPERVISOR

Zidar, James  
Amundson, Russell  
Steffens, David  
Whitmann, Courtenay IV

PRACTICE CITY

Raleigh  
Thomasville  
Durham  
Galax, VA

Christaldi, Pamela  
 Couranz, Michele  
 Efreis, David  
 Ezzell, Stanton  
 Forney, Deborah  
 Irby, Rebecca  
 John, Wendell  
 Lally-Batts, Denise  
 Lewis, Carrie  
 McCraw, Charlene  
 Payne, Billee  
 \*Payne, Lori  
 Taylor-Miller, Bertha  
 Willix, Christy  
 Willix, Christy  
 Wood, Brookie  
 Zagaroli, Georgann

Deucher, Robert  
 Hudson, Richard  
 Calvo, Benjamin  
 Lee, Sue  
 Johnson, Walter  
 Kowalski, Bruce  
 Wilson, LauraLee  
 Sampson, John  
 Warren, Calvin Jr.  
 Coalson, Barry  
 White, Lindsey  
 Hunsinger, Susan  
 Ngo, Corazon  
 Uhren, Robert Jr.  
 St. John, Thomas  
 Greenwald, Kimberly  
 Guarino, Clinton

Pinehurst  
 Bayboro  
 Chapel Hill  
 Bayboro  
 Charlotte  
 Burlington  
 Hollister  
 Durham  
 New Bern  
 Shelby  
 Elizabeth City  
 Advance  
 Kenansville  
 Black Mountain  
 Brevard  
 Raleigh  
 Newton

**NP - Subsequent Applications administratively approved-**

NURSE PRACTITIONER

Ahearn, Carla  
 Amyot, Ann  
 Anderson, Michelle  
 Berman, Liliana  
 Boswell, Tammi  
 Campos, Christine  
 Carroll, Kathleen  
 Clapp, Patricia  
 Cornette, Katie  
 Craven, Susan  
 Creech, Rhonda  
 Davis, Bonnie  
 Emmons, Deborah  
 Ervin, Virginia  
 Everett, Gilda  
 Fagundus, Melinda  
 Griffiths, Christina  
 Hussey, Elizabeth  
 Hutto, Rhoda  
 Kayye, Linda  
 Kerr, Jill  
 Knobel, Robin  
 Kupsick, Phyllis  
 Martines, Rosemary  
 McNeil-Hall, Amanda  
 Nielsen, Elizabeth  
 Oursler, Theresa  
 Parrish, Rebecca  
 Patterson, Kathy  
 Pender, Mary

PRIMARY SUPERVISOR

Cummings, James  
 Morayati, Shamil  
 Oliver, David  
 Norton, Deborah  
 Dillard, Robert  
 Earls, Marion  
 McGraw, Charles  
 Burroughs, Kevin  
 Ryder, Richard  
 Shilen, Thomas  
 Cummings, James  
 Cummings, James  
 Calabria, Rafael  
 Echterling, Susan  
 Speros, Thomas  
 Cummings, James  
 Ray, Sulekha  
 Cummings, James  
 Cummings, James  
 Smith, James III  
 Kotch, Jonathan  
 Cummings, James  
 Royer, Harrell Jr.  
 Hart, Robert III  
 Pinkerton, Jerry Jr.  
 Cummings, James  
 Burkett, Donna  
 Beauford, Wayne  
 Lutman, Christopher  
 Cummings, James

PRACTICE CITY

Greenville  
 Burlington  
 New Bern  
 Raleigh  
 Winston-Salem  
 Greensboro  
 Asheville  
 Burlington  
 Greenville  
 Ellerbe  
 Greenville  
 Greenville  
 Gastonia  
 Charlotte  
 Washington  
 Greenville  
 Ahoskie  
 Greenville  
 Greenville  
 Raleigh  
 Chapel Hill  
 Greenville  
 Albemarle  
 Vale  
 N Wilkesboro  
 Greenville  
 Asheville  
 High Point  
 Raleigh  
 Greenville

Placey, Mary Ann  
Poe, Ann  
Rettig, Veronica  
Scroggs, Nancy  
Shaw, Elizabeth  
Shelton, Patricia  
Sproul, Beverly  
Stahlman, John  
Tayloe, Susan  
Tripp, Mollie  
Wagnon, Julianne  
Wilson, Courtney  
Woods, Janet

Dreiling, Dale  
Jones, Lisa  
Cummings, James  
Van Noy, Timothy  
Szabo, Stephen  
Cummings, James  
Potter, Joan  
Williams, Ameliann  
Cummings, James  
Cummings, James  
Glance, Gregory  
Joyner, William  
Cummings, James

Greensboro  
Sanford  
Greenville  
Boomer  
Pinehurst  
Greenville  
Concord  
Asheville  
Greenville  
Greenville  
Asheville  
Wilmington  
Greenville

**Clinical Pharmacist Practitioner Applications-**

CPP

\*\*Parrish, Julianna

PRIMARY SUPERVISOR

Fink, Gary

PRACTICE CITY

Faith

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

**NP JOINTSUB COMMITTEE REPORT**

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

The NP JointSub Committee met on May 14, 2003. Dr. McCulloch gave a verbal report of what transpired at that meeting.

The President expressed concerns about the Board's relationship with the Nursing Board. Mr. Jimison is to draft a letter to the Nursing Board.

**Motion:** A motion passed to reject the recommendations contained in the White Paper from the Task Force on Quality Assurance Standards for Collaborative Practice Agreement.

**LICENSING COMMITTEE REPORT**

Robert Moffatt, MD, Chair; E.K. Fretwell, PhD; Robin Hunter-Buskey, PAC; Edwin Swann, MD

**Proposed Rules Rewrite**

Catchline: Review final proposal for recommendation to present to the Board for approval. A copy of the rules is included in this document.

Committee Recommendation: A printed copy of the proposed rules will be distributed to Board Members for review prior to the June meeting for a vote at the June meeting.

BOARD ACTION: Distribute a printed copy (one showing changes and one copy without strike through) of the proposed rules to Board Members for review prior to the June meeting for a vote at the June meeting.

### **License Interview and Information CD's**

Catchline: Board Agents are still being provided hard copies of applicant files and handouts for interviews.

Committee Recommendation: Tabled for June meeting

BOARD ACTION: Tabled for June meeting

Dr. Garrett reported his experience with email for interviewing purposes worked very well, but a printer is needed for printing the question sheet and temporary license.

### **Center for Personalized Education for Physicians (CPEP)**

Catchline: At the FSMB Annual Meeting information was obtained that CPEP will help set up mini-residencies for physicians the Board feels need to participate in prior to licensure.

Literature has been printed from their web site for the Committees information. There will also be a Learning Summit in October if the Board is interested in having someone attend.

Committee Recommendation: Dr. Pories will prepare a draft of the Ad Hoc Committee's proposal for the License Committee's consideration at the June meeting.

BOARD ACTION: Dr. Pories will prepare a draft of the Ad Hoc Committee's proposal for the License Committee's consideration at the June meeting.

### **FSMB/AIM "Common License Application"**

Catchline: A draft of the common license application has been forwarded from Dr. George Barrett. He requests the Board "review, change and be a catalyst for this approach."

Committee Recommendation: Tabled for June meeting

BOARD ACTION: Tabled for June meeting

### **Plan for licensing physicians in the event of disasters**

Catchline: A committee was appointed at the April meeting to address this issue. Dr. Swann, Bryant Paris and Joy Cooke will give a report on the Committee's progress

Committee Recommendation: Accept the Ad Hoc Committee's proposal

BOARD ACTION: Accept the Ad Hoc Committee's proposal with the following changes:

1. Word paragraph 1 in a way it doesn't sound like the Governor created the disaster
2. Insert "or" before "until" in the last paragraph.

### **Corrected Proposal of Temporary Emergency License**

Whenever permitted by G.S. 90-12.2, the Board staff is instructed to require the following credentials in lieu of the requirements for an application for license to practice medicine in North Carolina:

1. Documentation of current valid license in another state
2. Photo identification

This Temporary Emergency License shall allow the holder to practice medicine in the disaster area and the associated treatment facilities.

This credentialing requirement shall apply for physician assistants and nurse practitioners who shall function under the supervision of a physician.

This temporary license shall remain in force for the duration of the declared emergency or until termination by the Board. The Board shall have a designated representative on site to facilitate the process of credentialing.

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 two 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.

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

### **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.

Nine 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**

Cyril Abrams	Thomas Albert Bull	Clayton Wonnacott Dunford
Giridhar Uppoor Adiga	Jonnathan Moore Busko	John Michael Fessenden
Cesar Francisco Ybanez	Sergio Russo Buzzini	Yvette Figueroa
Alinsonorin Jr.	William Forrest Carson	Sean Douglas Fink
George Anthony Alsina	Alexander Walter Chasnis	Ellen Marie Flanagan
Stephen Peter Alvarado	Catherine Anne Christianson	George Adam Flowers
Faust Manuel Alvarez	Pamela Clark	Michelle Lynette Foster
Benjamin Leandro Antonio	William Sinton Cobb IV	Michael Roy Fredericks
Manisha Satish Ashar	Donald Maxwell Coder	Stacy Gillespie
Demetria Yvette Austin	Jeffrey Mark Conrad	Anne Ricardo Gonzalez
Srilaxmi Bearely	Bruce Arthur Cox Jr.	Michael Bryan Gonzalez
Douglas Mountjoy Blackmon	Michael Todd Cross	Teresa Beverly Griffin
Alan Euric Bobb	Sarita Kumar Cross	Sher Singh Guleria
Mark Gregory Bowling	David Colin Damsker	Sylvia Roberta Gunnett
Mark Rollin Bowling	Larry Joel Dashow	Matthew Dean Hammit
Peter James Bruzzo	Gregory Oran Dill	Seth Christopher Hawkins
Christopher Kevin Buehrig	Venkatarama Sekher Donepudi	Janaka A Hettiarachchi

Teague Lon Horton	Javad Monzavifar	Honora Manning Sandifer
Jay Emerson Jones	Marsha Carolyn Moore	Robert William Santa-Cruz
Dong-Kyoo Richard Kang	Saxton Thomas Moss	Shari Leann Sengupta
Daniel Ian Kaufer	David Martin Murdoch	Noppon Pooh Setji
Gretchen Anne Labarowski	David Kent Nace	Joan Shen
Dana Leigh-Beth Lairamore	Amy Yoshiko Nobu	Rody Ben Singer
Michael Dale Landers	Clyde Nolan, Jr.	Lance Thayer Sisco
Deanna Lynn Lane	Cecilia Anne Novitt	Chad Eric Smoker
Keith Andrew Lerro	Lauretta Ifeoma Odogwu	Christopher George Stephenson
James Omer L'Esperance	Florin Mihai Orza	Kavita Ann Thomas
Michael Justin Lewis	Nathan Allen Pailes	Robert Bruce Thompson
Roger Benemerito Lim	Chin-Ho Pak	Leigh Boyette Thorne
Katie Lowry	Katherine Knight Palmertree	Richard Francis Timmons
Boyd Christopher Lumsden	Lee Carl Pederson	Rene Adam Vega
Larry Joseph Luter	Stephen Paul Peters	Joanne Estelle Wagner
Patricia Doughty Macha	Martin Henry Poleski	Scott David Wagner
Mario Albert Malvey	John Joseph Reed, Jr.	Ryan Carl Wanamaker
David Edward Marcus	Christopher Heath Register	Emad Ward
Melissa Anne Mazur	Matthew Francis Reinhardt	Claire Dudley Wilkiemeyer
William Mark McCollough	William Rudolph Richli	Dayanandanie Vijithamala Yapa
Peter Francis McIlveen	Susan Riggs Runge	Daniel Mark Yoder
John Christensen Mclver	Ali Sadrolhefazi	
Yogesh Mittal	Cassandra Danielle Salgado	

**LICENSES APPROVED BY ENDORSEMENT AND EXAM**

Cyril Abrams	Venkatarama Sekher Donepudi
Giridhar Uppoor Adiga	John Michael Fessenden
Cesar Francisco Ybanez Alinsonorin Jr.	Yvette Figueroa
Stephen Peter Alvarado	Sean Douglas Fink
Faust Manuel Alvarez	Ellen Marie Flanagan
Benjamin Leandro Antonio	George Adam Flowers
Manisha Satish Ashar	Michelle Lynette Foster
Demetria Yvette Austin	Michael Roy Fredericks
Srilaxmi Bearely	Stacy Gillespie
Douglas Mountjoy Blackmon	Anne Ricardo Gonzalez
Alan Euric Bobb	Michael Bryan Gonzalez
Mark Gregory Bowling	Teresa Beverly Griffin
Mark Rollin Bowling	Sylvia Roberta Gunnett
Peter James Bruzzo	Matthew Dean Hammit
Jonnathan Moore Busko	Seth Christopher Hawkins
Sergio Russo Buzzini	Janaka A Hettiarachchi
William Forrest Carson	Teague Lon Horton
Alexander Walter Chasnis	Jay Emerson Jones
Catherine Anne Christianson	Dong-Kyoo Richard Kang
Pamela Clark	Daniel Ian Kaufer
William Sinton Cobb IV	Gretchen Anne Labarowski
Jeffrey Mark Conrad	Dana Leigh-Beth Lairamore
Bruce Arthur Cox Jr.	Michael Dale Landers
David Colin Damsker	Deanna Lynn Lane
Gregory Oran Dill	Keith Andrew Lerro

James Omer L'Esperance  
Roger Benemerito Lim  
Katie Lowry  
Boyd Christopher Lumsden  
Larry Joseph Luter  
Patricia Doughty Macha  
Mario Albert Malveyh  
David Edward Marcus  
Melissa Anne Mazur  
William Mark McCollough  
Peter Francis McIlveen  
John Christensen McIver  
Yogesh Mittal  
Marsha Carolyn Moore  
Saxton Thomas Moss  
David Martin Murdoch  
David Kent Nace  
Amy Yoshiko Nobu  
Cecilia Anne Novitt  
Lauretta Ifeoma Odogwu  
Florin Mihai Orza  
Nathan Allen Pailes  
Chin-Ho Pak  
Lee Carl Pederson  
Stephen Paul Peters  
Martin Henry Poleski  
Christopher Heath Register  
Matthew Francis Reinhardt  
William Rudolph Richli  
Susan Riggs Runge  
Ali Sadrolhefazi  
Cassandra Danielle Salgado  
Honora Manning Sandifer  
Robert William Santa-Cruz

Shari Leann Sengupta  
Noppon Pooh Setji  
Rody Ben Singer  
Chad Eric Smoker  
Christopher George Stephenson  
Kavita Ann Thomas  
Leigh Boyette Thorne  
Richard Francis Timmons  
Rene Adam Vega  
Joanne Estelle Wagner  
Scott David Wagner  
Ryan Carl Wanamaker  
Emad Ward  
Claire Dudley Wilkiemeyer  
Dayanandanie Vijithamala Yapa  
Daniel Mark Yoder

**APPLICANTS FOR REACTIVATION**

Christopher Kevin Buehrig  
Katherine Knight Palmertree

**APPLICANTS FOR REINSTATEMENT**

Michael Todd Cross  
Sarita Kumar Cross  
John Joseph Reed, Jr.

**APPLICANTS FOR RETIRED  
VOLUNTEER LICENSE**

Donald Maxwell

**Approve pending receipt of criminal  
background check and personal  
interview**

Michael Justin Lewis

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

Robert Moffatt, MD; Aloysius Walsh; Edwin Swann, 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 19 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.

## **COMPLIANCE COMMITTEE REPORT**

Michael Norins, MD, Chair; Robin Hunter-Buskey, PA-C; Aloysius Walsh; Edwin Swann

Dr. Norins presented the following final report of the Compliance Committee:

“With the press of core business before the Board, along with an administrative reorganization that places responsibility for issues of compliance within the Investigations department, it is in the best interest of the Board to disband the Compliance Committee.

In the future, when licensing and disciplinary activities are well in hand, I hope we can turn to a more proactive approach to regulatory activity. Ensuring that licensees know, through education and audit, the rules, regulations and processes applicable to them may improve the quality of medical practice in our State and reduce the disciplinary workload of the Board.

Below is our suggested process for carrying out mandated audit of compliance with the CME requirement. It is a cumbersome task and there will be refinements in the process as experience with auditing is gained. We believe this represents a reasonable and “do-able” start.

For the purpose of monitoring the CME audit process, we suggest that a Board Member serving on the Investigations Committee be appointed as liaison to the Investigation department.

I thank Ms. Hunter-Buskey and Dr. Swann for their work on this project. Thanks also to Brandy Forward and Marcus Jimison for excellent staff support.”

### **Draft Continuing Medical Education Verification Process:**

#### **Purpose:**

To establish a process for periodic audit and verification of CME hours as required.

#### **Selection of Licensees for audit:**

A 2% random selection from the pool of physicians completing their annual registration, each month, who have completed a three year cycle from initiation of the CME rule or three years from the time of licensure.

#### **Audit Criteria:**

Presentation of certificates of CME I or an official transcript from the sponsoring Institution or a listing of completed CME I provided by a recognized professional organization, e.g. AAFP, which verifies a minimum of 60 hours continuing medical education.

A listing of physician initiated educational activity, CME II, with sufficient detail adequate to satisfy a medically knowledgeable investigator, e.g. NCMB Investigator or NCMB Medical Director or NCMB physician member, of completion of the remaining hours required to be in compliance, a maximum of 90 hours. Eligible activities are listed in the CME rules.

#### **Notification:**

The first request for materials will be by regular mail with a 30 day response time.

The Second request for materials will be by registered return receipt mail with a 30 day response time.

**Compliance:**

If a licensee upon review of submitted materials is out of compliance they will be allowed a grace period until their next license renewal to demonstrate compliance by completing the total required hours for the 3 year cycle. Such hours will not be credited to the next 3 year cycle.

**Enforcement:**

Failure to respond to the second request for information will result in a report to the Investigations Committee for consideration of failure to respond to a Board order.

Failure to come into compliance after a grace period, as listed above, will result in a report to the Investigations Committee.

In either case above, further action will be at the discretion of the Committee.

**Staffing:**

A staff member in the Investigative Department will be assigned responsibility for executing this policy. The IT department will provide logistical support in regard to random sampling and establishing a computer database for follow-up on notification compliance and audit compliance.

A member of the Investigations Committee will be responsible for review and oversight of the CME audit process.

**Motion:** A motion passed that the above draft be referred to Mr. Henderson, Mr. Pittman and other staff to look at and bring back with additional information.

## **COMPLAINT COMMITTEE REPORT**

Aloysius Walsh; Edwin Swann, MD; Walter Pories, 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.

## **INVESTIGATIVE COMMITTEE REPORT**

Stephen Herring, MD; Arthur McCulloch; Charles Garrett, MD; Robert Moffatt, 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.

## **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.

Three 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 because these actions are not public information.

A motion passed to return to open session.

## **MALPRACTICE COMMITTEE REPORT**

Aloysius Walsh; Edwin Swann, MD; Walter Pories, MD;

The Malpractice Committee Report was tabled pending receipt of further information.

## **MEDICAL EXAMINER COMMITTEE REPORT**

Aloysius Walsh; Edwin Swann, MD; Walter Pories, MD;

The Medical Examiner Committee Report was tabled pending receipt of further information.

## **ADJOURNMENT**

This meeting was adjourned on May 15, 2003.

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Robert C. Moffatt, MD  
Secretary