

MINUTES

North Carolina Medical Board

May 17-19, 2006

**1203 Front Street
Raleigh, North Carolina**

Minutes of the Open Sessions of the North Carolina Medical Board Meeting May 17-19, 2006.

The May 17-19, 2006, meeting of the North Carolina Medical Board was held at the Board's Office, 1203 Front Street, Raleigh, NC 27609. The meeting was called to order at 8:00 a.m., Wednesday, May 17, 2006, by Robert C. Moffatt, MD, President. Board members in attendance were: H. Arthur McCulloch, MD, President Elect (absent May 19); Janelle A. Rhyne, MD, Secretary; Mr. Aloysius P. Walsh, Treasurer; E. K. Fretwell, PhD; Robin N. Hunter Buskey, PA-C (absent May 17); Donald E. Jablonski, DO; Ralph C. Loomis, MD; Michael E. Norins, MD; Sarvesh Sathiraju, MD; George L. Saunders, III, MD; and Dicky S. Walia (absent May 18-19).

Staff members present were: R. David Henderson, JD, Executive Director; Thomas W. Mansfield, JD, Legal Department Director; Brian Blankenship, Board Attorney; Marcus Jimison, JD, Board Attorney; Katherine Carpenter, JD, Board Attorney; Todd Brosius, JD, Board Attorney; Ms. Wanda Long, Legal Assistant; Ms. Lynne Edwards, Legal Assistant; Ms. Cindy Harrison, Legal Assistant; Mr. Curtis Ellis, Investigative Department Director; Don R. Pittman, Investigator/Compliance Coordinator; Mr. Edmund Kirby-Smith, Investigator; Mrs. Therese Dembroski, Investigator; Mr. Loy C. Ingold, Investigator, Mr. Bruce B. Jarvis, Investigator; Mr. Robert Ayala, Investigator; Mr. Richard Sims, Investigator; Mr. David Van Parker, Investigator; Mr. Vernon Leroy Allen, Investigator; Ms. Jenny Olmstead, Senior Investigative Coordinator; Ms. Barbara Rodrigues, Investigative Coordinator; Mr. Dale Breaden, Director of Communications and Public Affairs; Ms. Dena Marshall, Public Affairs Assistant; Mrs. Joy D. Cooke, Licensing Director; Ms. Michelle Allen, Licensing Supervisor; Ms. Amy Ingram, Licensing Assistant; Ms. Lori King, Physician Extender Coordinator; Ms. Quanta Williams, Physician Extender Coordinator; Jesse Roberts, MD, Medical Director; Michael Sheppa, MD, Assistant Medical Director; Ms. Judie Clark, Complaint Department Director; Mrs. Sharon Squibb-Denslow, Complaint Department Assistant; Ms. Sherry Hyder, Complaint Summary Coordinator; Ms. Carol Puryear, Malpractice/Medical Examiner Coordinator; Mr. Hari Gupta, Operations Department Director; Ms. Patricia Paulson, Registration Coordinator; Mrs. Janice Fowler, Operations Assistant; Mr. Peter Celentano, Comptroller; Ms. Ravonda James, Receptionist; Mr. Donald Smelcer, Technology Department Director; Ms. Dawn LaSure, Human Resources Director; and Mr. Jeffery Denton, Executive Assistant/Verification Coordinator.

MISCELLANEOUS

Presidential Remarks

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

Bryant L. Galusha, MD – A Resolution

Motion: A motion passed adopting the following resolution:

The Bryant L. Galusha, MD, Conference Room:
In Recognition of Dr Galusha's Distinguished Service to the North
Carolina Medical Board, the People of North Carolina, the Federation
of State Medical Boards, and the Profession of Medicine

WHEREAS, Bryant L. Galusha, MD, born in Morgantown, West Virginia, graduated Phi Beta Kappa from West Virginia University, took his MD from Case Western Reserve University

School of Medicine, was AOA, did a residency in pediatrics at University Hospitals of Cleveland and Cleveland City Hospital, completed his pediatric residency at Charlotte Memorial Hospital, and is a Diplomate of the American Board of Pediatrics and a Fellow of the American Academy of Pediatrics;

WHEREAS, he spent five years in the private practice of pediatrics, returned to Charlotte Memorial Hospital to serve over 22 years as that institution's Director of Medical Education, and was a member of numerous professional societies and associations;

WHEREAS, he was appointed to the North Carolina Board of Medical Examiners (Medical Board) in 1968, the year that marked the first administration of the Federation Licensing Examination (FLEX), and served 12 years on the Board, one term as President of the Board and five years as Secretary;

WHEREAS, he became Director of the Charlotte Area Health Education Center in 1972, was one of the founders of the AHEC Program, was Clinical Professor of Pediatrics at the University of North Carolina School of Medicine from 1973 to 1984, was a consultant for non-university teaching hospitals in the Southeastern United States from the mid-1960s, and was elected to the Board of SunHealth, one of the largest holding companies in the U.S. for voluntary, not-for-profit hospitals in 1984;

WHEREAS, he was an ardent champion of steady improvements in the FLEX program, was named a member of the Federation of State Medical Boards' FLEX Test Committees from 1969 to 1984, was elected a member of the FLEX Board in 1976, and chaired the Federation of State Medical Boards of the United States (FSMB) Long Range Planning Committee that developed the concept of the FLEX I—FLEX II program in 1977;

WHEREAS, he was 67th President of the FSMB, serving in 1981-1982, was one of the very few people ever to become President Elect of the FSMB by direct election rather than by succession through other offices, served on the National Board of Medical Examiners (NBME) representing the FSMB for some years, and was a member of the NBME's Executive Committee in 1983-1984;

WHEREAS, he served as Executive Vice President (CEO) of the FSMB from 1984 through 1989, his leadership giving the FSMB far greater stature and visibility among medical organizations (including the AAMC, the AMA, the AOA, the ECFMG, the NBME, the NBOME, and others), and making it a major player in medical affairs;

WHEREAS, as FSMB Executive Vice President, he proved remarkably effective in working with state and federal government bodies, members of Congress, congressional committees, and the U.S. Department of Health and Human Services, giving the FSMB a level of influence it had never enjoyed before;

WHEREAS, as FSMB Executive Vice President, he modernized the organization's offices and staff and moved it into the world of modern computers, dramatically enhancing all its operations and the value of its Disciplinary Data Bank;

WHEREAS, as FSMB Executive Vice President, he became known as the driving force behind the United States Medical Licensing Examination (USMLE), leading the way in bringing the USMLE to reality, convincing skeptics and powerful resistant groups that the boards had no

choice but to adopt a single, reliable, and valid pathway to licensure (a goal the FSMB had pursued unsuccessfully for some years);

WHEREAS, he joined the staff of the ACGME after stepping down from his FSMB office, inspecting residency programs around the nation from 1991-1994, and remained an invaluable resource for the FSMB over the years;

WHEREAS, he was given the Order of the Long Leaf Pine by Governor James B. Hunt, Jr, in 1978, the Charlotte Memorial Hospital named its medical library in his honor after he moved to the FSMB, he received the Distinguished Service Award of the University of North Carolina School of Medicine in 1989, he received the U.S. DHHS Recognition Award for Dedication and Commitment to the Integrity and Quality of Health Care in America from Richard Kusserow, DHHS Inspector General, in 1989, the FSMB named a prestigious Annual Meeting lecture series in his honor in 1990, and the FSMB presented him its Distinguished Service Award in 1993;

NOW, THEREFORE, BE IT RESOLVED that the North Carolina Medical Board publicly and with deep respect and appreciation recognizes and honors the farsighted, effective, and dynamic leadership of Bryant L. Galusha, MD, and expresses its debt to him for his service and dedication to those principles and ideals of professionalism, integrity, and public protection that must characterize the work of the Board, the Federation of State Medical Boards, and the medical profession; and

BE IT FURTHER RESOLVED that a conference room in the North Carolina Medical Board's office building be named in honor of Bryant L. Galusha, MD, on May 18, 2006, and that a copy of this Resolution be on permanent display in the Bryant L. Galusha, MD, Conference Room, that a copy be made a part of the minutes of the Board, and that a copy be presented to Dr Galusha.

Approved by acclamation on this 18th day of May 2006.

Nurse Practitioner Rule Changes - Various

Motion: A motion passed to adopt the rule changes as presented below:

SUBCHAPTER 32M - APPROVAL OF NURSE PRACTITIONERS

21 NCAC 32M .0101 DEFINITIONS

The following definitions apply to this Subchapter:

- (1) "Medical Board" means the North Carolina Medical Board.
- (2) "Board of Nursing" means the Board of Nursing of the State of North Carolina.
- (3) "Joint Subcommittee" means the subcommittee composed of members of the Board of Nursing and Members of the Medical Board to whom responsibility is given by G.S. 90-6 and G.S. 90-171.23(b)(14) to develop rules to govern the performance of medical acts by nurse practitioners in North Carolina.
- (4) "Nurse Practitioner or NP" means a currently licensed registered nurse approved to perform medical acts consistent with the nurse's area of nurse practitioner academic educational preparation and national certification under an agreement with a licensed physician for ongoing supervision, consultation, collaboration and evaluation of medical acts performed. Such medical acts are in addition to those nursing acts performed; by virtue of registered nurse (RN) licensure. The NP is held accountable under the RN license for those nursing acts that he or she may perform.

- (5) "Registration" means authorization by the Medical Board and the Board of Nursing for a registered nurse to use the title nurse practitioner in accordance with this Subchapter.
- (6) "Approval to Practice" means authorization by the Medical Board and the Board of Nursing for a nurse practitioner to perform medical acts within her/his area of educational preparation and certification under a collaborative practice agreement (CPA) with a licensed physician in accordance with this Subchapter.
- (7) "Nurse Practitioner Applicant" means a registered nurse who may function prior to full approval as a Nurse Practitioner in accordance with Rule ~~0104(f)~~ 0104(g) of this Subchapter.
- (8) "Supervision" means the physician's function of overseeing medical acts performed by the nurse practitioner.
- (9) "Collaborative practice agreement" means the arrangement for nurse practitioner-physician continuous availability to each other for ongoing supervision, consultation, collaboration, referral and evaluation of care provided by the nurse practitioner.
- (10) "Primary Supervising Physician" means the licensed physician who, by signing the nurse practitioner application, shall provide on-going supervision, collaboration, consultation and evaluation of the medical acts performed by the nurse practitioner as defined in the collaborative practice agreement. Supervision shall be in compliance with the following:
 - (a) The primary supervising physician shall assure both Boards that the nurse practitioner is qualified to perform those medical acts described in the collaborative practice agreement.
 - (b) A physician in a graduate medical education program, whether fully licensed or holding only a resident's training license, shall not be named as a primary supervising physician.
 - (c) A fully licensed physician in a graduate medical education program who is also practicing in a non-training situation may supervise a nurse practitioner in the non-training situation.
- (11) "Back-up Supervising Physician" means the licensed physician who, by signing an agreement with the nurse practitioner and the primary supervising physician(s), shall provide supervision, collaboration, consultation and evaluation of medical acts by the nurse practitioner in accordance with the collaborative practice agreement when the Primary Supervising Physician is not available. Back-up supervision shall be in compliance with the following:
 - (a) The signed and dated agreements for each back-up supervising physician(s) shall be maintained at each practice site.
 - (b) A physician in a graduate medical education program, whether fully licensed or holding only a resident's training license, shall not be named as a back-up supervising physician.
 - (c) A fully licensed physician in a graduate medical education program who is also practicing in a non-training situation and has a signed collaborative practice agreement with the nurse practitioner and the primary supervising physician may be a back-up supervising physician for a nurse practitioner in the non-training situation.
- (12) "Volunteer Approval" means approval to practice consistent with this Subchapter except without expectation of direct or indirect compensation or payment (monetary, in kind or otherwise) to the nurse practitioner.
- (13) "Disaster" means a state of disaster as defined in G.S. 166A-4(3) and proclaimed by the Governor, or by the General Assembly pursuant to G.S. 166A-6.

- (14) "Interim Status" means limited privileges granted by the Board of Nursing to a graduate of an approved nurse practitioner educational program meeting the requirements in Rule .0105(a) of this Subchapter or a registered nurse seeking initial approval in North Carolina, as defined in Rule ~~.0104(f)~~ .0104(g) of this Subchapter, while awaiting final approval to practice as a nurse practitioner.
- ~~(15) "Temporary Approval" means authorization by the Medical Board and the Board of Nursing for a registered nurse to practice as a nurse practitioner in accordance with this Rule for a period not to exceed six months while awaiting notification of successful completion of the national certification examination.~~
- (15) ~~(16)~~ "National Credentialing Body" means one of the following credentialing bodies that offers certification and re-certification in the nurse practitioner's specialty area of practice: American Nurses Credentialing Center (ANCC); American Academy of Nurse Practitioners (AANP); National Certification Corporation of the Obstetric, Gynecologic and Neonatal Nursing Specialties (NCC); and the Pediatric Nursing Certification Board (PNCB).

History Note: Authority G. S. 90-6; 90-18(14); 90-18.2;
Eff. January 1, 1991;
Amended Eff. _____; August 1, 2004; May 1, 1999; January 1, 1996.

21 NCAC 32M .0103 NURSE PRACTITIONER REGISTRATION

- (a) The Board of Nursing shall register an applicant who:
- (1) has an unrestricted license to practice as a registered nurse in North Carolina and, when applicable, an unrestricted approval, registration or license as a nurse practitioner in another state, territory, or possession of the United States;
 - (2) has successfully completed a nurse practitioner education program as outlined in Rule .0105 of this Subchapter; ~~and~~
 - (3) is certified as a nurse practitioner by a national credentialing body consistent with 21 NCAC 36 .0120(7) and (9); and
 - (4) (3) has supplied additional information as requested necessary to evaluate the application.
- (b) Beginning January 1, ~~2005~~ 2005, new graduates of a nurse practitioner program, who are all registered nurses seeking first-time nurse practitioner registration in North Carolina shall:
- (1) hold a Master's Degree in Nursing or related field with primary focus on Nursing;
 - (2) have successfully completed a graduate level nurse practitioner education program accredited by a national credentialing body, ~~and in addition have met the criteria as outlined in Rule .0105(a) and (c) of this Subchapter;~~ accrediting body; and
 - (3) provide documentation of certification by a national credentialing body.

History Note: Authority G.S. 90-18(13); 90-18.2; 90-171.36;
Eff. August 1, 2004.
Amended Eff. _____.

21 NCAC 32M .0104 PROCESS FOR APPROVAL TO PRACTICE

- (a) Prior to the performance of any medical acts, a nurse practitioner shall:
- (1) meet registration requirements as specified in 21 NCAC 32M .0103 of this Section;

- (2) (1) ~~submit notification of her/his intent~~ an application for approval to practice on forms provided by the Board of Nursing and the Medical Board. ~~Such notification of intent to practice shall include:~~
- (A) ~~the practice name, practice address, and telephone number of the nurse practitioner; and~~
 - (B) ~~the practice name, practice address, and telephone number of the primary supervising physician(s);~~
- (3) (2) submit any additional information as requested necessary to evaluate the application; and
- (4) (3) have a collaborative practice agreement with a primary supervising physician.
- (b) A nurse practitioner seeking approval to practice who has not practiced as a nurse practitioner in more than five years shall complete a nurse practitioner refresher course approved by the Board of Nursing in accordance with Paragraphs (o) and (p) of 21 NCAC 36 .0220 and consisting of common conditions and their management directly related to the nurse practitioner's area of education and certification.
- (c) (b) The nurse practitioner shall not practice until notification of approval to practice is received from the Boards.
- (d) (e) The nurse practitioner's approval to practice shall terminate when the nurse practitioner discontinues working within the approved nurse practitioner collaborative practice agreement and the nurse practitioner shall notify the Boards in writing. This Rule shall be waived in cases of emergency such as sudden injury, illness or death.
- (e) (d) Applications for first-time approval to practice in North Carolina shall be submitted to the Board of Nursing and then approved by both Boards as follows:
- (1) the Board of Nursing shall verify compliance with Rule .0103 of this Subchapter and Paragraph (a) of this Rule; and
 - (2) the Medical Board shall verify that the designated primary supervising holds a valid license to practice medicine in North Carolina and compliance with Subparagraph (a) of this Rule.
- (f) (e) Applications for approval of changes in practice arrangements for a nurse practitioner currently approved to practice in North Carolina:
- (1) addition or change of primary supervising physician shall be submitted to both Boards; and
 - (2) request for change(s) in the scope of practice shall be submitted to the Joint Subcommittee.
- (g) (f) ~~Interim status for a nurse practitioner applicant shall be granted to a registered nurse who is a graduate of a nurse practitioner education program meeting the requirements of Rule .0105 of this Subchapter and has met the registration requirements as set forth in Rule .0103 of this Subchapter; or a registered nurse seeking first-time approval to practice as a nurse practitioner in North Carolina who has worked previously as a nurse practitioner in another state and who meets the nurse practitioner education requirement and has met the registration requirements as set forth in Rule .0103 and .0105 of this Subchapter; and Subchapter~~ with the following limitations:
- (1) no prescribing privileges;
 - (2) primary or back-up physicians shall be continuously available for ongoing supervision, collaboration, consultation and countersigning of notations of medical acts in all patient charts within two working days of nurse practitioner applicant-patient contact;
 - (3) face-to-face consultation with the primary supervising physician shall be weekly with documentation of consultation consistent with Rule .0110(e)(3) of this Subchapter; and
 - (4) shall not exceed a period of six months.

~~(g) First-time applicants who meet the qualifications for approval to practice, but are awaiting certification from a national credentialing body as referenced in Rule .0101(16) of this Subchapter, shall be granted a temporary approval to practice as a nurse practitioner. Temporary approval is valid for a period not to exceed six months from the date temporary approval is granted or until the results of the applicant's certification examination are available, whichever comes first.~~

(h) A registered nurse who was previously approved to practice as a nurse practitioner in this state who reapplies for approval to practice shall:

- (1) meet the nurse practitioner approval requirements as stipulated in Rule .0108(c) of this Subchapter; and
- (2) complete the appropriate application. ~~application;~~
- ~~(3) receive notification of approval;~~
- ~~(4) meet the quality assurance standards and consultation requirements as outlined in Rule .0110(e)(2) - (3) of this Subchapter;~~
- ~~(5) meet the continuing education requirements as stated in Rules .0107 and .0108(d) of this Subchapter; and~~
- ~~(6) If for any reason a nurse practitioner discontinues working within the approved nurse practitioner-supervising physician(s) arrangement, or experiences an interruption in her/his registered nurse licensure status, the nurse practitioner shall notify both Boards in writing and the nurse practitioner's approval shall automatically terminate. A waiver to this requirement shall be given in an emergency situation.~~

(i) Volunteer Approval to Practice. Both Boards may grant approval to practice in a volunteer capacity to a nurse practitioner who has met the qualifications to practice as a nurse practitioner in North Carolina.

(j) The nurse practitioner shall pay the appropriate fee as outlined in Rule .0115 of this Subchapter.

(k) A Nurse Practitioner approved under this Subchapter shall keep proof of current licensure, registration and approval available for inspection at each practice site upon request by agents of either Board.

(l) If for any reason a nurse practitioner discontinues working within the approved nurse practitioner-supervising physician(s) arrangements, or experiences an interruption in her/his registered nurse licensure status, the nurse practitioner shall notify both Boards in writing and the nurse practitioner's approval shall automatically terminate. A waiver to this requirement shall be given in an emergency situation.

*History Note: Authority G.S. 90-18(13), (14); 90-18.2; 90-171.20(7); 90-171.23(b); 90-171.42;
Eff. January 1, 1991;
Paragraph (b)(1) was recodified from 21 NCAC 32M .0104 Eff. January 1, 1996;
Amended Eff. _____; May 1, 1999; January 1, 1996;
Recodified from 21 NCAC 32M .0103 Eff. August 1, 2004;
Amended Eff. August 1, 2004.*

21 NCAC 32M .0105 EDUCATION AND CERTIFICATION REQUIREMENTS FOR REGISTRATION AS A NURSE PRACTITIONER

~~(a)~~ A nurse practitioner applicant who completed a nurse practitioner education program prior to December 31, 1999 shall provide evidence of successful completion of a course of education that contains a core curriculum including 400 contact hours of didactic education and 400 contact hours of preceptorship or supervised clinical experience.

- (1) The core curriculum shall contain the following components:

- ~~(a)~~ ~~(A)~~ health assessment and diagnostic reasoning including:
 - (i) historical data;
 - (ii) physical examination data;
 - (iii) organization of data base;
 - ~~(b)~~ ~~(B)~~ pharmacology;
 - ~~(c)~~ ~~(C)~~ pathophysiology;
 - ~~(d)~~ ~~(D)~~ clinical management of common health problems and diseases such as the following shall be evident in the nurse practitioner's academic program:
 - (i) respiratory system;
 - (ii) cardiovascular system;
 - (iii) gastrointestinal system;
 - (iv) genitourinary system;
 - (v) integumentary system;
 - (vi) hematologic and immune systems;
 - (vii) endocrine system;
 - (viii) musculoskeletal system;
 - (ix) infectious diseases;
 - (x) nervous system;
 - (xi) behavioral, mental health and substance abuse problems;
 - ~~(e)~~ ~~(E)~~ clinical preventative services including health promotion and prevention of disease;
 - ~~(f)~~ ~~(F)~~ client education related to ~~Parts (a)(1)(D) and (E)~~ Sub-items (1)(d) and (e) of this Rule; and
 - ~~(g)~~ ~~(G)~~ role development including legal, ethical, economical, health policy and interdisciplinary collaboration issues.
- (2) Nurse practitioner applicants exempt from components of the core curriculum requirements listed in ~~Subparagraph (a)(1) Item (1)~~ Item (1) of this Rule are:
- ~~(a)~~ ~~(A)~~ Any nurse practitioner approved to practice in North Carolina prior to January 18, 1981, is permanently exempt from the core curriculum requirement.
 - ~~(b)~~ ~~(B)~~ A nurse practitioner certified by a national credentialing body prior to January 1, 1998, who also provides evidence of satisfying ~~Parts (a)(1)(A) —(C)~~ Sub-items (1)(a)-(c) of this Rule shall be exempt from core curriculum requirements in ~~Parts (a)(1)(D) —(G)~~ Sub-items (d)-(g) of this Rule. Evidence of satisfying ~~Parts (a)(1)(A) —(C)~~ Sub-items (1)(a)-(c) of this Rule shall include:
 - (i) a narrative of course content; and
 - (ii) contact hours.
 - ~~(C)~~ ~~A nurse practitioner seeking initial approval to practice after January 1, 1998 shall be exempt from the core curriculum requirements if certified as a nurse practitioner in her/his specialty by a national credentialing body.~~
 - ~~(b)~~ ~~Any nurse practitioner applicant who received first-time approval to practice between January 1, 2000 and July 31, 2004 shall be certified by a national credentialing body as referenced in Rule .0101(16) of this Subchapter or be awaiting initial certification by a national credentialing body for a period not to exceed 18 months from date temporary approval is granted.~~
 - ~~(c)~~ ~~Each nurse practitioner applicant applying for approval to practice in North Carolina shall meet the education requirements as specified in Subparagraph (a)(1) of this Rule and shall provide documentation of certification by a national credentialing body within six months from the date temporary approval is granted.~~

~~(d) A Nurse Practitioner approved under this Rule shall keep proof of current licensure, registration and approval available for inspection at each practice site and made available for inspection upon request by agents of either Board.~~

*History Note: Authority G.S. 90-18(14); 90-171.42;
Eff. January 1, 1991;
Recodified from 21 NCAC 32M .0105 Eff. January 1, 1996;
Amended Eff. August 1, 2004; May 1, 1999; January 1, 1996;
Recodified from 21 NCAC 32M .0104 Eff. August 1, 2004;
Amended Eff. _____; August 1, 2004.*

21 NCAC 32M .0108 INACTIVE STATUS

- (a) Any nurse practitioner who wishes to place her or his approval to practice on an inactive status shall notify the Boards by completing the form supplied by the Boards.
- (b) A nurse practitioner with an inactive approval to practice status shall not practice as a nurse practitioner.
- (c) A nurse practitioner with an inactive approval to practice status who reapplies for approval to practice shall meet the qualifications for approval to practice as stipulated in Rules .0103(a)(1), .0104(a); .0106(b); .0107; and .0110 and (b)(1) of this Subchapter and receive notification from both Boards of approval prior to beginning practice.
- (d) A nurse practitioner with an inactive approval to practice status of greater than five years shall complete a nurse practitioner refresher course approved by the Board of Nursing in accordance with Paragraphs (o) and (p) of 21 NCAC 36 .0220 and consisting of common conditions and their management directly related to the nurse practitioner's area of education and certification.
- ~~(e) A nurse practitioner seeking first-time approval to practice who has not provided direct patient care as a nurse practitioner in more than five years shall complete a nurse practitioner refresher course approved by the Board of Nursing in accordance with Paragraphs (o) and (p) of 21 NCAC 36 .0220 and consisting of common conditions and their management directly related to the nurse practitioner's area of education and certification.~~

*History Note: Authority G.S. 90-18(13); 90-18.2; 90-171.36;
Eff. January 1, 1996;
Amended Eff. _____; August 1, 2004; May 1, 1999.*

PA Rules – Physician DEA Requirement

Motion: A motion passed that 21 NCAC 32S .0109 is adopted as published in Volume 20, Issue 17, pp 1491-1492 in the North Carolina Register as follows:

21 NCAC 32S .0109 PRESCRIPTIVE AUTHORITY

A physician assistant is authorized to prescribe, order, procure, dispense and administer drugs and medical devices subject to the following conditions:

- (1) The physician assistant and the supervising physician(s) shall acknowledge that each is familiar with the laws and rules regarding prescribing and shall agree to comply with these laws and rules by incorporating the laws and rules into the written prescribing instructions required for each approved practice site; and
- (2) The physician assistant has received from the supervising physician written instructions for prescribing, ordering, and administering drugs and medical devices and a written policy for periodic review by the physician of these instructions and policy; and

- (3) In order to compound and dispense drugs, the physician assistant must obtain approval from the Board of Pharmacy and must carry out the functions of compounding and dispensing by current Board of Pharmacy rules and any applicable federal guidelines; and
- (4) In order to prescribe controlled substances, ~~both~~ the physician assistant ~~and the supervising physician~~ must have a valid DEA registration and the physician assistant shall prescribe in accordance with information provided by the Medical Board and the DEA. All prescriptions for substances falling within schedules II, IIN, III, and IIIN, as defined in the federal Controlled Substances Act, shall not exceed a legitimate 30 day supply; and
- (5) Each prescription issued by the physician assistant shall contain, in addition to other information required by law, the following:
 - (a) the physician assistant's name, practice address, telephone number; and
 - (b) the physician's assistant's license number and, if applicable, the physician assistant's DEA number for controlled substances prescription; and
 - (c) the responsible supervising physician's (primary or back-up) name and telephone number; and
- (6) Documentation of prescriptions must be noted on the patient's record and must include the medication name and dosage, amount prescribed, directions for use, and number of refills.
- (7) Physician Assistants who request, receive, and dispense professional medication samples to patients must comply with all applicable state and federal regulations.

History Note: Authority G.S. 90-18(c)(13); 90-18.1; 90-171.23(14); 58 Fed. Reg. 31,171(1993) (to be codified at 21 C.F.R. 301); Eff. May 1, 1999; Amended Eff. May 1, 2004. Amended Eff. July 1, 2006.

Federation of State Medical Boards (FSMB) 94th Annual Meeting - Debrief

The President asked for feedback from attendees at the recent FSMB Annual Meeting held in Boston, MA, April 20-22, 2006. Dr. Norins was elected to the FSMB Editorial Committee for a three-year term. Dr. Loomis stated that this was his first attendance at this annual event and that it appears all states are dealing with the same issues. It was noted that the North Carolina Medical Society (NCMS) had representation at this event for the first time, Melanie Phelps, JD.

Ms. Hunter Buskey, as part of the FSMB Board of Directors, reported that she met with the Administrators in Medicine Board (AIM) prior to the annual meeting. Freedom of information, consistent disciplinary standards, performance standards and common licensure were part of that agenda. She reported that the North Carolina resolution 'Credentials Verification for International Medical Graduates' was approved.

Medical Executive Committee (MEC) Presentations – An Update

Dr. Norins stated that he did a presentation this past Monday and it was well received. He volunteered to assist any other Board Member(s) with presentations to hospitals in their areas. He also gave kudos to the Public Affairs Department in assisting with preparation of the presentation.

A Meeting with the State Health Director

Leah Devlin, DDS, State Health Director; Jeff Engle, MD, State Epidemiologist; and Chris Hoke, JD, Chief, Regulatory and Legal Affairs, North Carolina Division of Public Health met with the Board to discuss workers with infectious diseases.

Dr. Devlin stated that they have a long tradition of working with the Medical Board on infectious healthcare workers. Back in the early days of the HIV epidemic the State put rules in place for protecting the public health. Mr. Hoke helped write those rules years ago.

Dr. Engle stated that the specific matter they had discussed with the Licensing Committee the day before involved a Hep B infected surgeon in training who had self-reported his disease status to the State Department of Health. The State Health Director convened an expert panel to review the practice of the surgeon and an isolation order was written with restrictions. The isolation order went into place and then the Medical Board received the surgeon's application for full licensure. The Board wanted to issue a license via a public consent order. This was neither a recommendation of the expert panel nor part of the isolation order. The Division of Public Health does not feel a public consent order is necessary to protect the public health. He then spoke regarding the success of the process that has been in place for years. There have been no HIV or Hep B documented infections transmitted by healthcare workers involved in North Carolina's program – ever. In the United States there have been none since 1987. A lot of this success has to do with modern vaccines, treatment of HIV infected persons and modern therapies. He stated, "We have work restrictions and they are working." There have been no reported infections of patients and he is satisfied the public's health is being protected.

Barbara S. Schneidman, MD, Vice President, Medical Education, American Medical Association (AMA)

Dr. Schneidman attended the conference room dedication in honor of Bryant L. Galusha, MD. She also took the time to bring the Board up-to-date on recent initiatives of the AMA. She worked with medical boards and the Federation of State Medical Boards on the issue of licensing portability. They developed a common licensing application; however, only three states have adopted it. "Every state wants to retain their own forms." She recently met with the Indiana licensing board as they develop a reentry and retraining program. The Indiana Medical Board is working with the Indiana Attorney General, the Indianapolis Medical Society and the Indiana University School of Medicine to create a program. The hope is that Indiana gets it off the ground and it is used as a pilot program.

MINUTE APPROVAL

Motion: A motion passed that the April 12, 2006, Board Minutes are approved as presented.

ATTORNEY'S REPORT

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

Written reports on 128 cases were 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.

PUBLIC ACTIONS

BASILI, Richard Louis, MD

Notice of Charges and Allegations executed 4/26/2006

BERGER, Mitchell Zachary, MD

Re-Entry Agreement and Order executed 3/24/2006

BIZZELL, Aleecia Rich, NP

Findings of Fact, Conclusions of Law and Order executed 3/17/2006

BRODERSON, Joe Thomas, MD

Notice of Charges and Allegations executed 5/2/2006

CAGGIANO, Christopher John, PA

Notice of Charges and Allegations executed 2/28/2006

COLLINS, Paul Dewayne, MD

Notice of Charges and Allegations executed 5/2/2006

CONNINE, Tad Robert, MD

Consent Order executed 4/3/2006

CROOM, Dorwyn Wayne, MD

Non-Disciplinary Consent Order executed 5/8/2006

DONALDSON, Brian Robert, MD

Notice of Charges and Allegations executed 4/20/2006

EATON, Hubert Arthur, MD

Amendment to Consent Order executed 4/3/2006

ELBAOR, James Edward, MD

Notice of Charges and Allegations executed 5/15/2006

ELLIS, Dale Edwin, PA

Re-Entry Agreement and Order executed 4/21/2006

FITZGERALD, Dwight Melvin, MD

Consent Order executed 3/24/2006

FOULKES, Carl Alvin, MD

Notice of Charges and Allegations executed 5/15/2006

GUARINO, Clinton Toms Andrews, MD

Consent Order executed 5/1/2006

HAMBLETON, Scott Lewis, MD

Denial letter executed 4/25/2006

IACONO, Robert Paul, MD

Findings of Fact, Conclusions of Law and Order executed 4/27/2006

KAISER, Tom Chris, PA

Consent Order executed 4/24/2006

KHAN, Abdul Rahim, MD

Findings of Fact, Conclusions of Law and Order executed 4/27/2006

LANGSTON, Bernard Leroy, MD

Termination Order executed 4/26/2006

LANGSTON, Jonathan Lawrence, PA

Notice of Charges and Allegations executed 3/24/2006

MACGUFFIE, Martha Morgan, MD

Notice of Dismissal executed 4/18/2006

MARTINEZ, Fernando Jesus, MD

Findings of Fact Conclusions of Law and Order executed 5/1/2006

MATTHEWS, Charles Joseph, MD

Termination Order executed 4/28/2006

MATTHIAS, Weeza, MD

Findings of Fact, Conclusions of Law and Order executed 4/29/2006

MENACHEM, Allan Michael, MD

Consent Order executed 3/17/2006

MONDEREWICZ, Kathleen Marie, MD

Re-Entry Agreement and Order executed 4/10/2006

MOSKOWITZ, Edward James, MD

Findings of Fact, Conclusions of Law and Order executed 3/9/2006

NORMAN, Gayle Marie, PA

Consent Order executed 5/9/2006

O'MEARA, James Joseph, MD

Consent Order executed 4/12/2006

PANDIT, Ashok Marayan, MD

Findings of Fact, Conclusions of Law and Order executed 5/1/2006

PATEL, Aneel Nathoobhai, MD

Consent Order executed 4/17/2006

PATTERSON, Ronald Halford, MD

Termination Order executed 4/6/2006

PELTZER, Sonia Rapaport, MD

Amended Re-Entry Agreement executed 4/25/2006

PETERSEN, Ruth, MD

Re-Entry Agreement and Order executed 4/12/2006

PETITT, John Charles, MD

Notice of Charges and Allegations executed 5/15/2006

POLLEY, Dennis Charles, MD

Notice of Charges and Allegations executed 5/1/2006

PRYZANT, Charles Zanwill, MD

Consent Order executed 3/17/2006

RASALINGMAN, Sittampalam, MD

Notice of Charges and Allegations executed 5/5/2006

ROSSI, Paul Christopher, MD

Consent Order executed 3/17/2006

RUIZ, Esteban Alfonzo, MD

Notice of Charges and Allegations executed 3/9/2006

SALUJA, Darshan Singh, MD

Findings of Fact, Conclusions of Law and Order executed 5/1/2006

STOWELL, Richard Jeremy, MD

Findings of Fact, Conclusions of Law and Order executed 5/1/2006

THURMAN, Roger Zalon, MD

Non-Disciplinary Consent Order executed 3/17/2006

UEDA, Robert Kazuo

Denial letter executed 4/28/2006

WALTER, Gregory William, MD

Notice of Revocation executed 4/28/2006

WHITAKER, Albert, MD

Notice of Charges and Allegations executed 4/20/2006

EXECUTIVE COMMITTEE REPORT

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

The Executive Committee of the North Carolina Medical Board was called to order at 10:45 am, Wednesday May 17, 2006 at the offices of the Board. Members present were: Robert C. Moffatt, MD, President; Janelle A. Rhyne, MD; George L. Saunders, MD; and Aloysius P. Walsh. Also present were R. David Henderson (Executive Director), Hari Gupta (Director of Operations), and Peter T. Celentano, CPA (Comptroller).

Financial Statements

Mr. Celentano, CPA, presented to the committee the March 2006 compiled financial statements. March is the end of the first five months of fiscal year 2006.

Mr. Celentano commented to the Committee that total revenue for fiscal year 2006 is 5% over budget and total administrative expenses are less than 1% under budget at this time. The March 2006 Investment Summary was reviewed and accepted as presented. Dr. Rhyne made a motion to accept the financial statements as reported. Mr. Walsh seconded the motion and the motion was approved unanimously.

New Business

Physician Participation in Executions: Dr. Moffatt stated to the Committee that the Medical Board has received several letters asking the Board take a position against physician participation in executions. Dr. Saunders made a motion to refer to the Policy Committee for additional study the physician participation in executions. Dr. Rhyne seconded the motion and the motion was approved unanimously.

Pharmacist Reporting Suspicious Prescribing: Mr. Henderson reviewed with the Committee an inquiry he received from Dr. Michael Norins. Dr. Norins recently attended an ACP meeting and the question arose as to whether the NC Board of Pharmacy had a policy or position statement on how to deal with suspicious prescribing. Mr. Henderson recommended to the Committee publishing an article in the Board of Pharmacy newsletter and the Forum which outlines the NC Medical Board's policy and procedures for reporting suspicious prescribing to the Board. Dr. Rhyne made a motion to allow Mr. Henderson and Mr. Jay Campbell (Executive Director of the NC Board of Pharmacy) author an article to be published in the Board of Pharmacy newsletter and the Forum which will outline the appropriate policy. Mr. Walsh seconded the motion and the motion was approved unanimously.

Request to give CME Credit for Volunteer Work: Dr. Moffatt reviewed with the Committee a proposal received from the North Carolina Association of Free Clinics which asks the Board to give CME credit for allow volunteer work done at free clinics. Dr. Rhyne made a motion to decline the proposal to allow CME credit be given for volunteer work at free clinics. Dr. Saunders seconded the motion and the motion was approved unanimously.

Proposed CME Rule Change: Dr. Moffatt reviewed with the Committee a correspondence received by the Board from Dr. Peter Goodfield asking for the Board to consider recognition of the AMA Physician Recognition Award as documentation of completion of the CME hours required by the NC Medical Board. Dr. Rhyne made a motion to decline the proposal to allow The AMA Physician Recognition Award as

documentation of completion of CME hours. Mr. Walsh seconded the motion and the motion was approved unanimously.

Proposed CME Rule Change: Dr. Moffatt reviewed with the Committee a recommendation made to the Board by Dr. Steven Willis asking the Board to consider amending the CME requirements under Title 21 of Chapter 32 .0102 (1) to include “performance improvement activities.” Dr. Rhyne made a motion to refer this proposal to an appropriate Committee for further study and action. Mr. Walsh seconded the motion and the motion was approved unanimously.

Task Force Recommendations: Mr. Henderson reviewed with the Committee recommendations made by a Task Force created in November 2002 by the NC Department of Health and Human Services (NC-DHHS). The Task Force was established to identify, reduce and ultimately prevent deaths from the use of illicit and licit drugs. In April 2004, the 25-member Task Force issued its report and recommendations which called upon the NC Medical Board to do several things. Mr. Henderson reviewed the recommendations and suggested to the Committee we accept as information the recommendations in that the Board currently has policies and procedures in place to address these issues at this time. Dr. Rhyne made a motion to accept as information the report and to send appropriate correspondence to DHHS. Mr. Walsh seconded the motion and the motion was approved unanimously.

Proper Prescribing of Controlled Substances CME: Mr. Henderson explained to the Committee that Board members had expressed an interest in learning more about the proper prescribing of controlled substances. Mr. Henderson reviewed with the Committee a course offered by two instructors of Vanderbilt University. Dr. Rhyne made a motion for the staff to proceed with scheduling of the course to be held as soon as possible. Mr. Walsh seconded the motion and the motion was approved unanimously.

Update: The Board voted to schedule the *Proper Prescribing for Controlled Substances* course for Saturday, December 16, 2006.

Hourly Rate: Dr. Moffatt asked the Committee to consider increasing the hourly rate from \$25.00 per hour to \$50.00 per hour not to exceed \$200 per day. The per diem for Board members is set by the Medical Practice Act at \$200.00 per day and is paid for four or more hours of Board work in one day. Dr. Rhyne made a motion to increase the per hour rate from \$25.00 to \$50.00. Mr. Walsh seconded the motion and the motion was approved unanimously.

The meeting was adjourned at 12:00pm.

Motion: A motion passed to approve the Executive Committee Report.

POLICY COMMITTEE REPORT

Arthur McCulloch, MD, Chair; Aloysius Walsh; George Saunders, MD; Janelle Rhyne; MD

The Policy Committee of the North Carolina Medical Board was called to order at 3:00 p.m., Wednesday, May 17, 2006, at the office of the Board. Present were: Arthur McCulloch, MD, Chair; Aloysius P. Walsh; George L. Saunders, MD; and Janelle A. Rhyne, MD. Also attending were: Thomas Mansfield, JD, Director, Legal Department, NCMB (PC Staff); Todd Brosius, JD, Board Attorney, NCMB; Marcus Jimison, JD, Board Attorney, NCMB; Melanie Phelps, JD, North Carolina Medical Society; Dale Breden, Public Affairs Director, NCMB; Jeffrey Katz, PA-C (NCAPA); Marc Katz, PA-C; and Mr. Jeffery T. Denton, Board Recorder (PC Staff).

March 2006 Policy Committee Meeting Minutes

The minutes from the March 15, 2006 Policy Committee Meeting were reviewed and accepted.

Care of Surgical Patients – Review of Position Statement (*Rhyne, Saunders*)

After much discussion it was decided that this position statement may be better served with a complete rebuild to address possibly outpatient invasive procedures. An amended position statement was reviewed and discussed in detail.

Motion: A motion passed for this position statement to be considered and voted on by the Full Board in order to continue the process.

CARE OF THE PATIENT UNDERGOING SURGERY OR OTHER INVASIVE PROCEDURE*

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.

(Invasive procedures includes, but is not limited to, endoscopies, cardiac catheterizations, interventional radiology procedures, etc. Surgeon refers to the provider performing the procedure)

**This position statement was formerly titled, "Care of the Surgical Patients."*

(Adopted September 1991)

(Amended March 2001. UNDER REVISION)

Sexual Exploitation of Patients – Review of Position Statement (*Rhyne, Saunders*)

Dr. Rhyne stated that she is part of the Federation of State Medical Boards' (the Federation) group who recently revised the "model" boundary violation policy which this is incorporated into. This revision is available on the Federation's website, www.fsmb.org, for review and will be voted on at the Federation's Annual Meeting in April. She suggested we defer review of the Board's position statement until after the adoption in April.

At this meeting an amended position statement was reviewed and discussed in detail.

Motion: A motion passed for this position statement to be considered and voted on by the Full Board in order to continue the process.

SEXUAL EXPLOITATION OF PATIENTS

It is the position of the North Carolina Medical Board that sexual exploitation of a patient is unprofessional conduct and undermines the public trust in the medical profession. Sexual exploitation encompasses a wide range of behaviors which have in common the intended sexual gratification of the physician. These behaviors include sexual intercourse with a patient (consensual or non-consensual), touching genitalia with ungloved hands, sexually suggestive comments, asking patients for a date, inappropriate exploration of the patients or physician's sexual phantasies, touching or exposing genitalia, breast, or other parts of the body in ways not dictated by an appropriate and indicated physical examination, exchanging sexual favors for services. Sexual exploitation is grounds for the suspension, revocation, or other action against a physician's license. This position statement is based upon the Federation of State Medical Board's guidelines regarding sexual boundaries. ~~Such conduct is not tolerated. As a guide in defining sexual exploitation of a patient by a licensee, the Board will use the language of the North Carolina General Statutes, Chapter 90, Article 1F (Psychotherapy Patient/Client Sexual Exploitation Act), §90-21.41.~~

Sexual misconduct by physicians and other health care practitioners is a form of behavior that adversely affects the public welfare and harms patients individually and collectively. Physician sexual misconduct exploits the physician-patient relationship, is a violation of the public trust, and is often known to cause harm, both mentally and physically, to the patient.

Regardless of whether sexual misconduct is viewed as emanating from an underlying form of impairment, it is unarguably a violation of the public's trust.

As with other disciplinary actions taken by the Board, Board action against a medical licensee for sexual exploitation of a patient ~~or patients~~ is published by the Board, the nature of the offense being clearly specified. It is also released to the news media, to state and federal government, and to medical and professional organizations.

(Adopted May 1991)

(Amended April 1996, January 2001, UNDER REVISION)

The Retired Physician (*McCulloch, Walsh*)

Dr. McCulloch stated that he and Mr. Walsh had reviewed this position statement. No changes are recommended.

Recommendation to Full Board: A motion passed that no changes be made to the following position statement and that it is presented to the Full Board for concurrence and continuance of the established review process

North Carolina Medical Board Position Statement

THE RETIRED PHYSICIAN

The retirement of a physician is defined by the North Carolina Medical Board as the total and complete cessation of the practice of medicine and/or surgery by the physician in any form or setting. According to the Board's definition, the retired physician is not required to maintain a currently registered license and **SHALL NOT:**

- provide patient services;
- order tests or therapies;
- prescribe, dispense, or administer drugs;
- perform any other medical and/or surgical acts; or
- receive income from the provision of medical and/or surgical services performed following retirement.

The North Carolina Medical Board is aware that a number of physicians consider themselves "retired," but still hold a currently registered medical license (full, volunteer, or limited) and provide professional medical and/or surgical services to patients on a regular or occasional basis. Such physicians customarily serve the needs of previous patients, friends, nursing home residents, free clinics, emergency rooms, community health programs, etc. The Board commends those physicians for their willingness to continue service following "retirement," but it recognizes such service is not the "complete cessation of the practice of medicine" and therefore must be joined with an undiminished awareness of professional responsibility. That responsibility means that such physicians **SHOULD:**

- practice within their areas of professional competence;
- prepare and keep medical records in accord with good professional practice; and
- meet the Board's continuing medical education requirement.

The Board also reminds "retired" physicians with currently registered licenses that all federal and state laws and rules relating to the practice of medicine and/or surgery apply to them, that the position statements of the Board are as relevant to them as to physicians in full and regular practice, and that they continue to be subject to the risks of liability for any medical and/or surgical acts they perform.

(Adopted January 1997)
(Amended January 2001)
(Reviewed May 2006)

Position Statement Review Schedule

The following position statements will be reviewed at the July 19, 2006 Committee Meeting:

Retention of Medical Records (Walsh)
Medical Record Documentation (Walsh)

Enhanced Practice Nurse

Dr. Rhyne stated that she had been recently asked to supervise an "enhanced role nurse" but declined. She said that apparently these "extended nurses" train in Chapel Hill and then work alongside of PA's and NP's. They are doing PA and NP work with minimal training and a short preceptorship. They are licensed by the Nursing Board but require a physician to sign off on them. She understands this was set up by the State Director of Women's Health. This item was referred to the Executive Director and Board attorney Jimison for analysis and discussion with the Board of Nursing, to be reported to the committee.

Action: This will be reported on at the July 2006 Committee Meeting

Nursing Advisory Statements

Dr. Rhyne presented the committee with copies of the North Carolina Board of Nursing Advisory Statements. She is concerned that nurses are practicing beyond their scope of practice. This continues to be a sensitive issue with the Medical Board. This item was referred to the Executive Director and Board attorney Jimison for analysis and discussion with the Board of Nursing, to be reported to the committee.

Action: This will be reported on at the July 2006 Committee Meeting

Supervision of Physician Assistants and Nurse Practitioners

This item was referred from the Executive Committee. (1) Is it legal for NP's and/or PA's to employ their supervising physician? (2) What is the optimal number of PA's and NP's that a physician can supervise?

Mr. Jimison gave his opinion that it would be inappropriate for a PA or NP to hire a physician as an employee of a practice owned entirely by the PA or NP. To do so would be an impermissible expansion of the scope of the PA license or NP approval to perform medical acts.

Regarding supervision, several articles were reviewed, discussions with Ms. Hunter Buskey, PA-C, Board Member, NCMB, and representation of the NCPAP were present for the discussion.

Action: Dr. McCulloch will continue to accept input and work with the legal department to further analyze this issue. A position statement will likely result which will include factors that define supervision. They may include a list of expectations of a supervising physician as well as descriptions of the relationship between providers.

Application of Position Statements

Action: Legal will reevaluate the preamble to the Board's Position Statements to ensure it is clearly stated that the position statements apply to all personnel that the Board licenses and/or approves.

Centers for Medicare/Medicaid Services (CMS)

Dr. Rhyne pointed out that there are new CMS Guidelines. She is concerned because one change appears to require that verbal orders be signed or initialed by the prescribing practitioner within 48 hours of when the order was given.

Action: Ms. Phelps, on behalf of the Medical Society, has agreed to look into the new guidelines and report back to the Committee.

There being no further business, the meeting adjourned at 4:45 p.m. The next meeting of the Policy Committee is tentatively set for 3:00 p.m. Wednesday, July 19, 2006.

ALLIED HEALTH COMMITTEE REPORT

Savesh Sathiraju, MD; Robin Hunter Buskey, PA-C; Don Jablonski, DO

The Allied Health Committee of the North Carolina Medical Board met on Wednesday, May 18, 2006 at the office of the Board. Present: Dr. Sathiraju, Chairperson, Robin Hunter-Buskey, Dr. Jablonski, Marcus Jimison, Legal, Lori King, CPCS, Licensing, Quanta Williams, Licensing and Melanie Phelps.

PA DEA Rule Change 21 NCAC 32S.0109 Rule change was discussed by AHC.

Board Action: Separate Motion made and 21 NCAC 32S.0109 Rule change approved.

PA Competencies Definition of PA Competencies discussed at AHC.

Board Action: For information.

EMS Protocols EMS medication protocols discussed by AHC.

Board Action: L. King to gather protocol information from EMS website and provide to AHC members for review/discussion at next AHC meeting.

Harvey Estes, MD Conference Room Dedication. NCMB was represented by staff and Bd. members at the May 7, 2006 Dedication of the Harvey Estes, MD conference room at the E. Stead Center in Durham.

Board Action: For information only.

Allied Health Committee's role in perfusionist licensure

BOARD ACTION: Marcus Jimison explained the application approval process regarding AHC and Board involvement. Applications will be reviewed by the Perfusion Advisory Committee, who will then make a recommendation to the Board. AHC will review extracted cases and make a recommendation to 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 13 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.

Allied Health Vote List

Initial Applicants – Pending Board Approval

Nurse Practitioner's

Name	Primary Supervisor	Practice City
Blevins, Andrea	Karam, Philip	Liberty
Brandt, Susan	Regan, Owen	Brunswick Winston- Salem
Crawley, Chanita	Tripp, Henry	Washington
Crum, Sharon	Oeters, Rhonda	Butner
Francis, Patricia	Bomberg, Robert	Greenville
Haislip, Dynita	Fiordalisi, Irma	

Hertel, Kristie	Goettler, Claudia	Greenville
Johnson, Sharona	Christiano, Cynthia	Greenville
Lamont, Maureen	Forlaw, James	Greensboro
Martin, Mary	Barkley, John	Charlotte
		N.
McElwee, Marie	Albert, Susan	Wilkesboro
O'Sullivan, Melissa	Leschber, Valerie	Greensboro
		Winston-
		Salem
Penn, LaShanda	McCall, William	Thomasville
Slater, Tammy	Blue, Brian	Chapel Hill
Spach, Brenda	Markovic-Plese, Silva	CHapel Hill
Trogdon, Monika	Spencer, Donald	Charlotte
Walker, Victoria	Kwiatkowski, Timothy	Winston-
		Salem
Winfrey, Stephanie	Stratta, Robert	Durham
Yates, Stephanie	Burton, Claude	

Physician Assistants

Ahamad, Shardar
Bellos, Pauline
Bowyer, Toni
Briscoe, Anthony
Carr, Marie
Clark, Deborah
Cook, Brian
Deyto, Jenny
Hasan, Lisa
Kasubick-Tillman,
Susan
Noble, Tara
Quintero, Tammi
Saguier, Edward
Troy, Todd
White, Kristen
Williams, Joseph

PA-C's Reactivations/Reinstatements

LAKE, Jonathan, PA-C – Reactivation
ELLIS, Dale E., PA-C - Reinstatement

Additional Supervisor List

NP's

Name	Primary Supervisor	Practice City
Bass, Cindy	Smith, James	Clayton
Beasley, Sara	Davis, Jerome	Greensboro
Beaver, John	Barnhill, Peggy	Chadbourn

Bintz, Peggy	Carringer, Donald	Franklin
Blalock, Mary	Perez, Edward	Newland
Boaze, Kimberly	Cheek, Vincent	Greensboro
Boykin, Kathleen	Williams, Charles	Clayton
Brackett, Julia	Stallings, Martin	Lawndale
Brown, Catherine	Ferguson, Steven	Powellsville
Bryant, Lynn	McKenzie, William	Thomasville
Childers, Patricia	Movahed, Assadollah	Greenville
Coates, Penni	Latta, Harold	Winston-Salem
Coffin, Abigail	Monroe, Yvonne	Chapel Hill
Cox, Ruth	Mikhail, Ashraf	Jacksonville
Cozzarelli, Lisa	Wells, Robert	Asheville
Curcio, Kristin	Khan, Kalsoom	Greensboro
Davis, Amanda	Hamp, Dirk	Wake Forest
Dewald, Katharina	Buss, Russell	Wilson
Dill, Winston	Joseph, Mathukutty	Rutherfordton
Ekstrom, Denise	Kimberly, George	Mocksville
Ennis, Keena	Matkins, Preeti	Charlotte
Estes, Emily	Latta, Harold	Winston-Salem
Ezzell, Stanton	Warren, Calvin	New Bern
Freeman, Susan	Leacock, Rodney	Greenville
Friedman, Lola	Moya, Fernando	Wilmington
Gibbs, Jamie	Scott, Duncan	Asheville
Giemza, Kristi	Sangvai, Devdutta	Durham
Goldstein, Ami	Carlough, Martha	Chapel Hill
Griggs, Jeri	Farrow, Johnny	Manteo
Gusmann, Robin	Patel, Sarah	Burlington
Hall, Melissa	De Castro, Laura	Durham
Hebert, Gary	Latta, Harold	Winston-Salem
Hendrix, Cristina	Heflin, Mitchell	Durham
Hensley, Amy	Jung, Peter	King
Hunter, Joanna	Berkowitz, Gerald	Charlotte
John, Wendell	McCaleb, Jane	Hollister
Johnson, Deborah	McMahon, Connette	Kinston
Kirchner, Kathy	Kaplan, David	Greensboro
Krell, Claudette	Robson, Michael	Greensboro
Lane, Roberta	Young, Rondall	Greensboro
Lanier, Linda	Cooper, Joseph	Burgaw
Lorentz, Suzy	Griffith, Mary	Winston-Salem
Lowe, Karen	Kaplan, David	Greensboro
Mace, Donnell	Lewis, Michael	Hudson
Marshall, Susan	Gibbons, Gregory	Cary
McAlister, Amy	Flanagan, Angelia	Raleigh
McAlister, Amy	Smith, Ellen	Knightdale
Monroe, Pamela	Whitton, Allison	Hickory
Moss, Rita	Carreras, Jorge	Sylva
O'Neal, Leslie	Kaplan, David	Greensboro
Packheiser,		
Marigold	Kaplan, David	Greensboro
Perkins, Margaret	Fox, Mark	Asheville

Pickett, Jan	Hay, Tammy	Charlotte
Roberts, Dia	O'Shea, Thomas	Winston-Salem
Saxton, Amy	Mullen, Joseph	Shelby
Semmel, Deborah	Hawkins, James	Elon
Smith, Aileen	Stratta, Robert	Winston-Salem
Smith, Betty	Kaplan, David	Greensboro
Smith, Sidni	Wall, Ralph	Wilmington
Smith, Susan	Radut, Toma	Lincolnton
Starr, Jvonne	Holness, Kenworth	Belmont
Starr, Robin	Alhosaini, Hassan	Tarboro
Steele, Anthony	Reddy, Keshavpal	High Point
Steele, James	Byrd, Elizabeth	Greenville
Steele, Linda	Byrd, Elizabeth	Greenville
Stewart, Kristi	Abbott, Thomas	Winston-Salem
Strong, Susan	Bomberg, Robert	Butner
Sullivan, Lois	Kirollos, Alan	Kinston
Tabb, Deborah	Earls, Marian	Greensboro
Taylor, Dennis	Swanson, Douglas	Charlotte
Trotter, Kathryn	Wilke, Lee	Durham
Vandergrift, Patricia	Latta, Harold	Winston-Salem
Wadman, Karen	Dillard, Robert	Winston-Salem
Walker, Lucy	Waechter, Deborah	Granite Falls
Wells, Carol	James, Michael	Greensboro
Werner, Kelly	Mann, Larry	Raleigh
White, Betty	Albritton, Mark	Marion
Winiger, Amy	Holleman, Jeremiah	Charlotte
Wiseman, Michael	Aiello, Joseph	Asheville
Yelton, Corinne	Gough, William	Asheville
Young, Kelly	Zeitler, Kenneth	Raleigh

Additional Supervisor List

PA-C's

Aderhold, William	Morayati, Shamil	Burlington
Albergo, Gail	Acharya, Anjana	Durham
Anzola, Carlos	Edwards, Charles	Charlotte
Araghi, Sayeh	Mansfield, Eric	Fayetteville
Arrowood, Larry	Langston, Bernard	Shalotte
Avner, Barry	Boney, Mark	Fayetteville
Avner, Belina	Boney, Mark	Fayetteville
Bacon, Jenise	Strickland, James	Burlington
Bahroo, Sonia	Rizvi, Syed	Fayetteville
Baker, Robin	Adelman, James	Greensboro
Baker, Robin	Cheek, Vincent	Greensboro
Barker, James	Landvater, Lance	Raleigh
Barksdale, Rebecca	Fletcher, Robert	Raleigh
Bauer, Stacey	Hammer, Douglas	Raleigh
Bell, Robert	Harris, Phillip	Windsor
Berkey, Sandra	Deese, Joseph	Raeford

Blelloch, Lawrence	Tyner, Michael	Raleigh
Boccaccio, Kenneth	Keith, Douglas	Garner
Bonisa, Michael	Burns, Martin	Charlotte
Bowe, Curtis	Allen, Harvey	Winston-Salem
Bradshaw, Sarah	Khoudary, Kevin	Clinton
Briggs, Melvania	Smith, James	Wake Forest
Bruner, Paula	Beittel, Timothy	Wilmington
Bruner, Paula	McClelland, Scott	Wilmington
Buchwald, Tracy	Schwarz, Ronald	Raleigh
Buckley, Georgia	Nwosu, Agodichi	Fayetteville
Bullard, Remus	Blanchat, Timothy	Hickory
Caffey, Karen	Jones, Edward	Winston-Salem
Cassidy, John	Sowell, James	Lenoir
Chandley, Eric	Prakash, Ramanathan	Gastonia
Chapman, Jennifer	Pannell, Christa	Winston-Salem
Chasarik, Heather	Ng, Wing	Raleigh
Chauncey, Anna	Gottschalk, Bernard	Wilmington
Chavis, Anthony	Strickland, Gay	Raleigh
Chavis, Robert	Powell, Eddie	Roseboro
Cheshire, John	Miller, Robert	Shelby
Clancy, Kerry	Aul, Christopher	Fayetteville
Clements, Kimberly	Adami, John	Kitty Hawk
olletti, Thomas	Barrie, Kimberly	Durham
Collins, Kristin	Monahan, Michael	Raleigh
Cook, Richard	Beittel, Timothy	Wilmington
Cook, Richard	McClelland, Scott	Wilmington
Cote, Christopher	Maxwell, Keith	Asheville
Cottrell, Deanna	Busby, Julian	Greensboro
Crummey, Heather	Habal, Nizar	Greenville
	Wigand-Bolling,	
Culler, Michael	Gwendolyn	Dobson
Davis, Sara	Sterne, Kirsten	Asheboro
Desamero, Janet	Steelman, Sara	Charlotte
Despaigne, Policarpo	Heter, Michael	Wilmington
Dochow, Jeffre	Harris, Timothy	Raleigh
Dodge, Julie	Echt, Audrey	Raleigh
Downing, Karol	Kirtley, Samuel	Shalotte
Drinkwater, Don	Jalkut, Mark	Tampa
Drinkwater, Don	Roberts, Lee	Tampa
Dropkin, Evan	Graham, Mark	Cary
Dziminski, Veronica	Thurber, David	Cary
Edgerton, Beth	Laszewski, Marzena	Rocky Mount
Edwards, Michele	Mathis, William	Boomer
Ellington, Samantha	Morgan, Joel	Greensboro
Ellis, Dale	Sathiraju, Sarvesh	Morganton
Enos, Fredrick	Baum, Shari	Charlotte
Epling, Emily	Rice, William	Winston-Salem
Ervin, Shannon	Burns, Martin	Charlotte
Estrella, Shaily	Lue, Alvin	Winston-Salem
Fagan, Donna	Young, Kevin	Jacksonville

Fales, Amy
Farmer, Kimberly
Farmer, Kimberly
Faulkner, John
Fazio, Ronald
Fertig, Norman
Fox, James
Gallagher, Jennifer
Gates, Sharyn
Gates, Sharyn
Goodrich, Harriet
Gordon-Escobar,
Kathryn
Green, Michael
Griffith, Douglas
Griffith, Douglas
Groomes, Debra
Hage, Suzanne
Hall, Blaine
Hall, Leah
Harkness, Gale
Harrell, Mark
Harris, Brenda
Hart, David
Harvey, Gloria
Hayes, Kathleen
Hensler, Rachel
Hoffmann, Martha

Holder, Joseph
Holland, Geoffrey
Jernejcic, Tara
Journigan, Gretchen
Kaiser, Tom
Kazda, John
Kelly, Larry
Kern, Christopher
King, Harold
Kinnally, Steven
Kiser, Jeffrey
Kish, John
Kryway, Elisabeth
Kunze, Joel
Kureczka, MaryBeth
Lake, Jonathan
Lamar, Lorien
Leaman, Jason
Leonard, Paul
Leonard, Paul
Leonard, Paul

Burns, Martin
Maultsby, James
Zinicola, Daniel
Frazier, Richard
Landvater, Lance
Bankov, Robert
Kessel, John
Johnson, Earlie
Aldridge, Julian
Lassiter, Tally
Kornmayer, John

Broyles, William
Swofford, Joel
Del Do, Shari
Hutchinson, Michael
Romanoff, Mark
Maruchek, John
Jacobs, Danny
Howe, Harold
Campbell, James
Perkins, Phillip
Cyriaque, Jean
Hartye, James
Bomberg, Robert
Gualtieri, Camillo
Williams, Barton
Clements, David

Gerlach, Stephan
Ray, Larry
Auffinger, Susan
Habal, Nizar
Jalkut, Mark
Smith, Ellen
Maria, Josette
Bowman, Robley
Keyser, Peter
Ugah, Nwannadiya
Phillips, Thomas
Boleman, Robert
Gooch, Hubert
Williamson, Steven
Davidson, Alan
Krubert, Christopher
Minor, Monique
Ugah, Nwannadiya
Jain, Ashokkumar
Kelly, Catherine
Morris, Deborah

Charlotte
Wallace
Wilmington
Rocky Mount
Raleigh
Cherry Point
Hickory
Jacksonville
Durham
Durham
Mill Spring

Durham
N. Wilkesboro
Dunn
Fayetteville
Charlotte
Raleigh
Durham
Charlotte
Danbury
Washington
Roxboro
Raleigh
Butner
Charlotte
Wilmington
Asheville
Roanoke
Rapids
High Point
Winston-Salem
Greenville
Tampa
Knightdale
Raleigh
Taylorsville
Lillington
Raleigh
Matthews
Hendersonville
Statesville
Hickory
Greensboro
Monroe
Wilmington
Raleigh
Hope Mills
Fayetteville
Fayetteville

Licht, Jason	Mangano, Charles	Raleigh
Liepins, Andrew	Parnell, Jerome	Raleigh
Logan, Jenalyn	Zeri, Richard	Greenville
Lord, Deborah	France, James	Elkin
Malivuk, William	Orr, Richard	High Point
Marcinowski, Thomas	Kirtley, Samuel	Shalotte
Martinez, Maria	Bongu, Ram	Fayetteville
Massey-McMahan, Jenny	Carreras, Jorge	Sylva
McCarty, Martha	Shaw, Edward	Winston-Salem
McLaughlin, Todd	DeLay, Brian	Mooresville
Medlin, Laura	Marsh, Stephen	Zebulon
Melgar, Tammy	Eason, George	Wilmington
Merrow, Heather	Kirtley, Samuel	Delco
Meyers, Samuel	Joslin, Richard	Wilmington
Miles, Christopher	De Perczel, John	Hickory
Miller, Catherine	Palmes, Guy	Winston-Salem
Moore, Helen	Jones, Gregory	Valdese
Mora, Valery	Chodri, Tanvir	Asheboro
Moreno, Paula	Lietz, Timothy	Charlotte
Moreno, Paula	Minior, Daniel	Rocky Mount
Morimoto, Victoria	Kleinmann, Richard	Charlotte
Morris, Charlene	Cook, Elisabeth	Washington
Munching, Aaron	Paine, Karen	Raleigh
Murphy, Michael	Minore, Joseph	Charlotte
Murray, Susan	Cargile, Leslie	Black Mountain
Nelson, Tiffany	Latta, Harold	Winston-Salem
Nichols, James	Rice, James	Southern Pines
Nielsen, John	Milam, Thomas	Wilmington
Oakley, Lisa	Bongu, Ram	Fayetteville
Oravetz, Nicholas	Burns, Martin	Charlotte
Oxendine, Dinah	Frazier, Richard	Rocky Mount
Panos, Constantina	Cockrell, Wiley	Wilson
Pate, Robert	Aul, Christopher	Fayetteville
Patel, Siddhi	Miller, Joshua	Charlotte
Patel, Siddhi	Romanoff, Mark	Charlotte
Patterson, Jimmy	McLeod, Michael	Troy
Patterson, Jimmy	Saltzman, Leonard	Albemarle
Pinkerton, Andrew	Pinkerton, Jerry	N. Wilkesboro
Pope, Robert	Faull, Clifford	Sylva
Poston, Gary	Hoffman, Scott	Hildebran
Powell, Debra	Toscano, Darlene	Charlotte
Powers, Laurie	Chandler, Mark	Fayetteville
Price, Clint	Steelman, Sara	Charlotte
Pyles-Sweet, Kris	Redmond, Berniece	Lincolnton
Rapalje, James	Boney, Mark	Fayetteville
Reale, Robyn	Wiegand, Paul	Durham
Regan, Kara	Haque, Mahfuzul	Greenville
Riley, Elizabeth	Walker, Paul	Roxboro
Rippel, Janet	White, Michael	Rocky Mount

Riser, John
Rivera, Glen
Roberts, Wendy
Royal, Ja-Na'
Salisbury, Steven

Sardella, John
Sawyer, Johnathan
Schmitt, Bruce
Schreck, Veronika
Schwarz, John
Scott, Melissa
Shearer, Steven
Shinnick, Joseph
Shock, Lisa
Smith, Gregory
Smith, Janet
Smith, Kimberly

Smith, Laurie
Smith, Stephen
Speas, Margaret
Stanley, Glenn
Stanley, Glenn
Stanley, Glenn
Stansell, Stanley
Stauffer, Christian
Stauffer, Christian
Stinson, Jeremy
Taylor, Jeffrey
Thomas, Ann
Thompson, Joel
Timmons, Nikol

Tisdale, Thompson
Toole, James
Triplett, Tammy
Turrentine, Ennis
Van Ooteghem,
Christopher
Van Vooren, Amy
Van Vooren, Amy
Walsh, Charlene
Ware, Leslie
Warren, Joseph
Warrick, William
Weber, Jeffrey
Weber, Wendy
Williams, Barbara
Williams, Jason

Baker, Charles
Thomley, Alan
Potter, Joan
Bennett, Bernard
Reed, John

Summerlin, Rebecca
Oeters, Rhonda
Dickerson, Michael
Rounds, John
Smith, Ronald
Dellasega, Mark
Duncan, David
Barrie, Kimberly
Boggess, Blake
Morris, Deborah
Blank, Roy
Jackson, Anita
Gopalakrishnan,
Santosh
Albright, Daniel
Taylor, Linda
Guha, Subrata
Mahan, Dennis
Robinson, Lindwood
Yates, Rae
Rissmiller, Scott
Spangenthal, Selwyn
Toth, Alison
Jalkut, Mark
Shandera, Kevin
Weinrib, David
Ekwonu, Tagbo

Nenow, Mark
Hyman, Miles
Strand, Terry
Garst, Jennifer

Del Do, Shari
Law, Michael
Quashie, Dawn
Brezicki, Paul
Black, Kristin
Budhwar, Nitin
Ricciardelli, Edward
Kim, Ian
Kim, Ian
Scott, Elisabeth
Guha, Subrata

Linville
Charlotte
Charlotte
Garner
Fayetteville
Ocean Isle
Beach
Washington
Fayetteville
Wake Forest
Fayetteville
Greenville
Winston-Salem
Durham
Durham
Fayetteville
Monroe
Clayton

Charlotte
Raleigh
High Point
Fayetteville
Stovall
Fayetteville
Sunset Beach
Charlotte
Charlotte
Durham
Tampa
Charlotte
Charlotte
Charlotte
North
Wilkesboro
Franklin
Greensboro
Durham

Dunn
Raleigh
Raleigh
Concord
Gastonia
Scotland Neck
Wilmington
Greenville
Greenville
Snow Hill
Clayton

Williams, Jason	Robinson, Lindwood	Fayetteville
Wilson, Ashley	Russ, Donald	Charlotte
Wolpert, Kenneth	Campbell, Elizabeth	Raleigh
Young, Anthony	Quinn, Marshall	Trenton
Young, Anthony	Thomas, Ricky	Jacksonville
Young, Michael	Wagner, Peter	Greenville

Physician Advisory Council (PAAC) – May 17, 2006

The Physician Advisory Council (PAAC) met on Wednesday, May 17, 2006 at the office of the Board.

Present: Sarvesh Sathiraju, MD, Donald Jablonski, DO, Marcus Jimison, Legal, Lori King, CPCS, Licensing, James Hill, Patricia Dieter, Douglas Hammer, MD, Jeffrey Katz, Marc Katz, Katy Martinelli, Lisa Shock and Peggy Robinson.

Absent: Robin Hunter-Buskey

Dr. Sathiraju chaired the meeting.

- PA a Role in Regulation Document – open discussion.
- PA Rule Changes – M. Jimison discussed PANCE exam.
- PA Ownership of Practice – M. Jimison discussed issues involved and issues to be reviewed at the Policy Committee – open discussion.
- PA Supervision - open discussion.
- Non-physician member on FSMB Board – R. Hunter-Buskey to send e-mail to attendees with updates.

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

NP JOINT SUBCOMMITTEE REPORT

Savesh Sathiraju, MD; Robin Hunter Buskey, PA-C; Don Jablonski, DO

A meeting of the Joint Subcommittee was held at the North Carolina Medical Board office in Raleigh on March 15, 2006. Meeting convened at 12:40 p.m.

Members Present: Gale Adcock, RN, FNP (NCBON); Mary Ann Fuchs, RN (NCBON); Robin Hunter-Buskey, PA (NCMB); Daniel C. Hudgins, Public Member (NCBON); Sarvesh Sathiraju, MD (NCMB); Donald E. Jablonski, DO (NCMB)

Staff Present: Linda Thompson, RN – Director - Education & Practice (NCBON); Ann Forbes, RN, Practice Consultant (NCBON); Julia L. George, RN, Manager-Practice Enhancement (NCBON); Jean H. Stanley, Administrative Assistant to MJC and NCBON; Paulette Young, Administrative Secretary – Practice (NCBON); Polly Johnson, RN, Executive Director (NCBON) – *via conf call*; David Kalbacker, Director – Public Information (NCBON); Jack Nichols, Legal Counsel (NCBON); David Henderson, Executive Director (NCMB); Lori King, PE Coordinator (NCMB); Marcus Jimison, Legal Counsel (NCMB); Quanta Williams, PE Coordinator (NCMB).

Guest: Scarlet Gardner, Legal Counsel – NC Medical Society; Jim Johnson, PA – VP, NC Academy of Physician Assistants; Patrick Carter, PA; Jeff Katz – President Elect – NC Academy of Physician Assistants; Kristin Broom, NP;

Ms. Adcock welcomed committee members, staff, and guests. Ms. Adcock asked if there were any additions to the agenda. Ms. Adcock made the following changes: Election of chair moved to end of meeting; Reordered agenda – new business taken before old business

Ms. Adcock asked for additions or corrections to the November 16, 2005 minutes.

MOTION: That the minutes of November 16, 2005 be accepted as distributed.
Sathiraju/Hunter-Buskey/Passed.

NP Application Process: Ms. Adcock stated there had been discussion between both NCBON and NCMB staff related to the most efficient manner in which to operationalize the approval to practice process. Specifically focusing on what the proper venue would be for issues arising due to “yes” answers submitted in the NP Registration Application.

It was suggested that affirmative answers to these questions, come to the Joint Subcommittee for consideration and if additional information is required or if the applicant requires an interview the Joint Subcommittee would be the appropriate group.

The question was raised if there would be guidelines related to dealing with “yes” answers (does every “yes” answer rise to level of Joint Subcommittee review; what is appropriate for staff to manage). It was suggested that protocols be created based on experience.

Clarification was made that neither board was relinquishing authority. The Joint Subcommittee’s recommendation would go to both Boards for agreement.

The question was raised as to the Joint Subcommittee’s authority to review confidential information in a closed session. NCBON General Counsel stated the Open Meetings Law and the Public Records Act covers this authority. When reviewing applications, the JSC can automatically go into closed session. NCBON Legal Counsel cited the following statutes: Public Records Act G.S. 143-318.18; Open Meeting Law G.S. 132-1.1 – Confidential communication with legal counsel; G.S. 132-1.4 – pertains to investigations

Discussion ensued related to: time-frame and frequency of Joint Subcommittee meetings during the process of reviewing applications/interviewing applicants with “yes” answers submitted on the NP registration form; interim status; the number and type of questions on the NP Registration application.

MOTION: All NP Registration applications with “yes” answers will come to the Joint Subcommittee for further action.

Sathiraju/Hunter-Buskey **AMENDMENT READS (in italics):** *“Before NP applicants may be granted interim status”* (to be placed prior to the rest of the main motion)
Unanimous/Passed.

AMENDED MOTION: Before NP applicants may be granted interim status, all applications with “yes” answers will come to the Joint Subcommittee for further action. Unanimous/Passed.

Report of Disciplinary Action: Ms. Adcock asked for any disciplinary actions including consent agreements taken by either Board since November 16, 2005.

The NCMB did not have a report ready, so this agenda item was tabled to the May meeting. Ms. Adcock suggested this item be placed on all future Joint Subcommittee agendas.

It was suggested there should be future discussion related to what is already public information about NC BON disciplinary actions, and whether there is a need for additional consent agreements beyond these.

NP Rule Revisions

.0801 - Definitions

- (7)- Reference change
- (15 & (16) – “temporary approval” no longer exists
- (16) – renumbered to (15)

.0803 Nurse Practitioner Registration

- (a)(3) new – clarification (intent not changed)
- (a)(4) - clarification
- (b) - clarification of requirement

.0804 Process for Approval to Practice

- (a)(1) new - intent not changed - clarification
- (a)(2) (A) & (B) deleting – language not necessary is on application and clarifying language
- (b) information moved to appropriate section from .0808 (e)
- (d) renumbered from (c)
- (e) New # – new language – clarification
- (g) New # – clarify language – take our redundant language
- (g) Old # -“temporary approval” does not exist - deleted
- (h) clarifying language
- (h)(3) - (5) - deleted
- (h)(6) - moved to (l) in this Rule
- (k) New - clarifying language

.0805 Education and Certification Requirements for Registration as a Nurse Practitioner

- (2) -reference change
- (2)(b) -references change
- (2)(C) - deleted - no longer necessary
- (b), (c), & (d) - deleted - no longer necessary

.0808 Inactive Status

- (e) moved to .0804(b)

MOTION: To approve changes to NP Rules as recommended. Hudgins/Hunter-Buskey/Passed.

Next Meeting: May 17, 2006 at 12 noon; Lunch 12:00-12:30 p.m.; Meeting convenes at 12:30 p.m.; *North Carolina Board of Nursing; 3724 National Drive, Ste 201; Raleigh, North Carolina*

BOARD ACTION: Send the following letter stating the licensee has complied with the requirements of the agreement.

Dear Dr.

Thank you for submitting the information as requested in regards to your compliance with our reentry agreement. We now feel that you have completed the requirements that we had set forth with your full, unrestricted license. We remind you that in the future upon application to any other state that you should disclose the conditions of the agreement.

21 NCAC 32B .0314 and 21 NCAC 32B .0211

BOARD ACTION: A motion was passed to have the Legal Department begin the process of modifying or rescinding Regulatory Rules 21 NCAC 32B .0314 and 21 NCAC 32B .0211 to give the Board more flexibility when considering applicants for license who do not meet the requirements.

21 NCAC 32B .0314 PASSING EXAM SCORE

USMLE – Applicants who have taken USMLE may be eligible to apply for a license by endorsement of credentials if they meet the following score requirements:

- (1) A score of at least 75 is required on Step 3; and
- (2) The USMLE Step 3 shall be passed within seven years of the date of passing Step 1 OR within 10 years if the reason for the delay is based on applicant obtaining a MD/PhD degree.

21 NCAC 32B .0211 PASSING SCORE

To pass Step 3 of the USMLE the applicant shall attain a score of at least 75. Step 3 shall be passed within seven years of passing Step 1 OR within 10 years if the reason for the delay is based on applicant obtaining an MD/PhD degree.

Application Withdrawal

BOARD ACTION: A motion was made for the Legal Department to research and define at what point an application can be withdrawn for discussion at the July 2006 License Committee.

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

The Board reviewed 17 license applications. A written report was presented for the Board's review. The Board adopted the Committee's recommendation to approve the written report. The specifics of this report are not included because these actions are not public information.

A motion passed to return to open session.

SPLIT BOARD LICENSURE INTERVIEWS

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

Twenty-one 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

Abraham, Jacob Cherutharayil	Dowling, Bradley Scott
Alsabrook, Grady Dee	Dyson, Tara Monique
Barkhausen, Regina	Edghill, Benjeil Zurishaddai
Barrett, Cindy Sutton	Eisenberg, Joshua Aaron
Bass, Andora Lynn	Escaravage, George Kevin
Basta, Baher Anwar	Faheem, Uzma S
Belford, Peter Matthew	Fanale, Joachim Michael
Belle, Troy Allyn	Fanning, Walter Lee
Blackwell, James Matthew	Forren, Amy Carol
Blanks, Deidra Arelene	Fountain, Raetta Bevan
Boatwright, Kevin Dale	French, James Francis
Bodea, Marioara	Fried, Daniel Benjamin
Born, Michael James	Galbreath, John
Brackin, Phillip Snowden	Garbarino, Judson Payne
Briggs, Daniel Ross	Garman, Katherine Schuver
Browning, Jason Marc	Garriques, Ian Lloyd
Burns, Richard Lee	Geller, Richard Warren
Buss, Ryan Dean	George, Josh Oommen
Butler, Lynn Ann	Gibson, Mark Allen
Cabalo, Gerry	Grafstein, Neil H.
Cabarrus, Brian Ray	Grupka, Nichon Leone
Caserta, Melanie Pockey	Hall, John Zachariah
Chance, Jamila Ife Forte	Halling, Jon Darwin
Chen, Alexander Sou	Hammonds, William Mark
Chen, Jenny Lee	Hampton, Curtis Tony Ray
Chu, Michael	Handler, Keith Jarrett
Cohen, Dean Steven	Harris, Paul Joseph
Conrad, William Scott	Hendricks, Allen Ross
Cooper, Warren	Herzberg, Tara Raquel
Cortes, Jose Hugo	Hilton, Ansley Lowder
Crook, Jerry Jackson	Holdeman, Michael Louis
Cummings, Kris Baker	Holland, David Preston
Danahy, Mark Steven	Holt, Anthony Eugene
Dean, Patrick Joseph	Holzauer, Markus Kurt
Desai, Rahul Anil	Hovis, Rachel Wright
Dewyea, Victor	Hussain, Mohammed Asghar
Donkor, Daniel Ohene	Jabeen, Ruksana
Donner, Brian Lee	Jamieson, Brian David

Jani, Gita H
Jaramillo, Eduardo L.
Johnson, Anthony Gerard
Johnson, Charles David
Jones, Michael Francis
Kancherla, Shailaja Reddy
Kemp, Karin Eileen
Kendall, Adam Scott
Kenedi, Christopher Adam
Kennard, Timothy Patrick
Kent, Karin Yount
Kpeglo, Maurice Kobla
Khayata, Mazen H.
Klasing, Donald Rollin
Klein, Jeffrey Lawrence
Koffman, Boyd Moreau
Koreishi, Aaleya Faruk
Kremer, Timothy Michael
Kuo, Anthony Nanlin
Lachman, Mary Frances
Larson, Jennifer Ellen
Lavis, Timothy David
Lazzarini, Amy Louise
Lee, Holly Westall
Lemerman, Amy Leigh
Lin, Felix Lee
Liu, Jianfei Lucy
Long, Millie Dascomb
Lynch, Andrew Keane
Malone, Alfred Lashawn
Manuel, Crystal April
Matyska, Joanna Kinga
McAuley, James Patrick
McGann, Kathleen Anne
McLeod, Tonya
McPhee, Gerard Michael
Melton, Emily Rogers
Michaels, Sam
Miekley, Scott Taylor
Miller, Joseph
Mioton, Guy Britton
Monroe, Lanny Lee
Morillas, Hilda Nizzet
Morris, Jonathan Michael
Mott, Ryan Thomas
Mullendore, Jennifer Leigh
Mutafyan, Gevorg Arutyunovich
Myers, Jennifer Killebrew
Nanton, Andrew Geoffrey
Naradzay, Jerome Francis X.
Nash, Scott David
Negrea, Ovidiu Gheorghe
Nelson, Amanda Elaine
Noble, Andrew Raymond
Noble, Paul Wesley
Ozmun, Richard Randall
Parekh, Selene G.
Parker, Kristen Michelle
Parnell, Lisa Stigler
Patel, Manisha Jashbhai
Patel, Rakesh C.
Patel, Swetang M.
Pennell, Angela Michelle
Perlin, Donna Jablonski
Peter, Premkumar
Peters, Douglas Ahern
Peterson, Heather Anne
Peterson, Kirk Darrel
Phua, Ghee-Chee
Pirrello, Jon Robert
Pochick, Meredith Givens
Podnos, Yale David
Poller, William Richard
Porosnicu, Mercedes
Porter, Robert Charles
Preud'homme, Xavier A. R.
Prime, Darryl Dwayne
Quaid, Gina Ann
Rani, Shivanjali
Raposas, Stella Camilon
Reading, Fumiko Catrina
Reading, Jeremy Kenneth
Reddy, Lakshmi Kundhur
Reiber, Mark Edwin
Reinarz, Stephen John
Richardson, Don Harlor
Richardson, Wendell L.
Roland, Romie Earl
Robinette, Joseph Judge
Sanders, Lawrence Richard
Sarij, Hasib Mikael
Sasaki-Adams, James Clayton
Shadad, Firas N.
Shah, Ashish Raju
Shah, Usman
Shelton, Karen Patricia
Sikes, Glenn Austin
Singh, Zeba Niazi
Skaletsky, Gary Steven
Smith, Charles Rodney
Smith, Lane McNeil
Smith, Rebecca Leigh

Snow, Douglas Hardy
Soheili, Kambiz C
Soloff, Erik Victor
Starks, LaWanna Marie
Stefanidis, Dimitrios
Steiner, Anne Zweifel
Sun, Jessica Muller
Swaney, Michael James
Swidler, Howard Jay
Taj-Eldin, Samer
Thomas, Jerome Mathew
Thorner, Kim Marie
Tillman, Bryan Walter
Tomski, Steven Michael
Tokarsky, Gregory Paul
Troy, Jeffrey Alan
Truesdale, Dorenda Gregg
Tuchman, Sascha A.
Umberger, Daniel Clark
Usadi, Rebecca Shari

VanVleck, Caroline
Vasquez, Juan Carlos
Verdirame, Michael Paul
Viswanath, Sathyamurthy
Wadley, Calvin Page
Wang, Ji Yi
Wagner, Scott David
Webb, Joel Clark
Wells, Matthew Kent
Wessels, Frank Joseph
Wessel, Ricahrd Frederick
Wheeler, Acquenetta Vernecia
Wiggenhorn, Jonathan James
Williams, Guy Patrick
Williams, Jonathan Edward
Williams, Matthew Paul
Winn, Michael John
Wu, Sheue-Mei
Yoder, Jonathan Scott
York, Carrie Elizabeth

LICENSES APPROVED BY ENDORSEMENT AND EXAM

Jacob Cherutharayil Abraham
Grady Dee Alsabrook
Regina Barkhausen
Cindy Sutton Barrett
Andora Lynn Bass
Baher Anwar Basta
Peter Matthew Belford
Troy Allyn Belle
James Matthew Blackwell
Deidra Arelene Blanks
Kevin Dale Boatwright
Marioara Bodea
Michael James Born
Phillip Snowden Brackin
Daniel Ross Briggs
Jason Marc Browning
Ryan Dean Buss
Lynn Ann Butler
Gerry Cabalo
Brian Ray Cabarrus
Melanie Pockey Caserta
Jamila Ife Forte Chance
Alexander Sou Chen
Jenny Lee Chen
Dean Steven Cohen
William Scott Conrad
Warren Cooper
Jerry Jackson Crook II

Kris Baker Cummings
Mark Steven Danahy
Rahul Anil Desai
Daniel Ohene Donkor
Brian Lee Donner
Bradley Scott Dowling
Tara Monique Dyson
Benjeil Zurishaddai Edghill
Joshua Aaron Eisenberg
George Kevin Escaravage Jr
Uzma S Faheem
Joachim Fanale
Walter Lee Fanning
Amy Carol Forren
Judson Payne Garbarino
Katherine Schuver Garman
Ian Garriques
Richard Warren Geller
Josh Oommen George
Mark Allen Gibson
Neil H. Grafstein
Nichon Leone Grupka
John Zachariah Hall II
Jon Darwin Halling
William Mark Hammonds
Curtis Tony Ray Hampton
Keith Jarrett Handler
Paul Joseph Harris

Tara Raquel Herzberg
Ansley Lowder Hilton
Michael Louis Holdeman
Anthony Eugene Holt
Rachel Wright Hovis
Mohammed Asghar Hussain
Ruksana Jabeen
Gita H Jani
Eduardo L. Jaramillo
Anthony Gerard Johnson
Charles David Johnson
Michael Francis Jones
Karin Eileen Kemp
Adam Scott Kendall
Christopher Adam Kenedi
Timothy Patrick Kennard
Karin Yount Kent
Donald Rollin Klasing
Jeffrey Lawrence Klein
Boyd Moreau Koffman
Timothy Michael Kremer
Anthony Nanlin Kuo
Mary Frances Lachman
Jennifer Ellen Larson
Timothy David Lavis
Amy Louise Lazzarini
Holly Westall Lee
Amy Leigh Lemerman
Felix Lee Lin
Jianfei Lucy Liu
Millie Dascomb Long
Andrew Keane Lynch
Alfred Lashawn Malone
Crystal April Manuel
Joanna Kinga Matyska
James Patrick McAuley
Kathleen Anne McGann
Emily Rogers Melton
Scott Taylor Miekley
Lanny Lee Monroe Jr.
Hilda Nizzet Morillas
Jonathan Michael Morris
Ryan Thomas Mott
Jennifer Leigh Mullendore
Gevorg Arutyunovich Mutafyan
Andrew Geoffrey Nanton
Scott David Nash
Amanda Elaine Nelson
Andrew Raymond Noble
Selene G. Parekh
Kristen Michelle Parker

Lisa Stigler Parnell
Manisha Jashbhai Patel
Rakesh C. Patel
Swetang M. Patel
Angela Pennell
Premkumar Peter
Heather Anne Peterson
Kirk Darrel Peterson
Jon Robert Pirrello Jr.
Meredith Givens Pochick
Yale David Podnos
Mercedes Porosnicu
Robert Charles Porter
Xavier A. R. Preudhomme
Darryl Dwayne Prime
Gina Ann Quaid
Fumiko Catrina Reading
Jeremy Kenneth Reading
Lakshmi Kundhur Reddy
Mark Edwin Reiber
Stephen John Reinarz
Joseph Judge Robinette
Lawrence Richard Sanders
Hasib Mikael Sarij
James Clayton Sasaki-Adams
Firas N. Shadad
Usman Shah
Karen Patricia Shelton
Zeba Niazi Singh
Lane McNeil Smith
Rebecca Leigh Smith
Douglas Hardy Snow
Kambiz C Soheili
Erik Victor Soloff
LaWanna Marie Starks
Jessica Miller Sun
Michael James Swaney
Howard Jay Swidler
Samer Taj-Eldin
Jerome Mathew Thomas
Bryan Walter Tillman
Gregory Paul Tokarsky
Jeffrey Alan Troy
Dorenda Gregg Truesdale
Sascha Alexander Tuchman
Daniel Clark Umberger
Juan Carlos Vasquez
Michael Paul Verdirame
Sathyamurthy Viswanath
Calvin Page Wadley
Ji Yi Wang

Matthew Kent Wells
Frank Joseph Wessels
Jonathan James Wiggenhorn
Guy Patrick Williams
Jonathan Edward Williams
Jonathan Scott Yoder
Carrie Elizabeth York

REACTIVATIONS

Ovidiu Gheorghe Negrea
Scott David Wagner

REINSTATEMENT

Raetta Bevan Fountain
Victor Dewyea
John Galbreath

Tonya McLeod
Charles Rodney Smith
Anne Zweifel Steiner
Steven Michael Tomski
Rebecca Shari Usadi

FACULTY LIMITED LICENSE

Michael Chu
Paul Wesley Noble
Ghee-Chee Phua

SPECIAL VOLUNTEER LICENSE

Jennifer Killebrew Myers
Donna Jablonski Perlin
Caroline Culver VanVleck

RE-ENTRY SUBCOMMITTEE REPORT

EK Fretwell, PhD, Chair; Michael Norins, MD; Ralph Loomis, MD

The Re-entry Subcommittee of the North Carolina Medical Board was called to order at 10:30 p.m., Wednesday, May 17, 2006, at the office of the Board. Members present were: E. K. Fretwell, PhD, Chair; Michael Norins, MD; and Ralph Loomis, MD. Also attending were: Joy Cooke, Licensing Director (Staff); Jesse Roberts, MD, Medical Director (Staff); Melanie Phelps, North Carolina Medical Society; and Jeffery T. Denton, Board Recorder (Staff); Todd Borsious, Board Attorney (Staff). Absent was Thomas Mansfield, JD, Director, Legal Department (Staff)

Proposed North Carolina Reentry Summit Meeting (Roberts)

Dr. Roberts indicated he had nothing new to report at this time.

Guidance for Reentry Applicants – Status of Implementation (Norins/Cooke)

The process was identified as follows:

- (1) Reentry candidates are identified by the Licensing Department
- (2) The “guidance” letter is sent to the applicant early-on.
- (3) Applicant is invited to a split-board interview.
- (4) If applicant’s plan is accepted, a shepherd Board Member will be assigned. This Board Member must approve the reentry consent order which incorporates the plan. This same Board Member is to be part of the evaluation and consent order termination process as well.

This process will be reviewed every three months.

FSMB Licensure Maintenance Committee, Dallas, TX (March 28-29, 2006) (Norins/Roberts)

Dr. Norins and Dr. Roberts attended the FSMB Special Committee on Maintenance of Licensure which has been charged with development of a policy position regarding state medical board’s role in ensuring competence. This committee also considered a resolution submitted by the NCMB regarding Physician and Physician Assistant Reentry to Practice.

Dr. Norins and Dr. Roberts stated they were impressed by how well organized and well-run the Dallas meeting was. Reentry is a subset of the overall continuing competency issue.

Since North Carolina is one of the few states that have taken on the issue of reentry into the active practice of medicine, the Special Committee wanted North Carolina's input.

The next regular meeting of the Re-Entry SubCommittee is tentatively set for Wednesday, July 19, 2006.

Motion: A motion passed to accept the Re-Entry SubCommittee Report.

COMPLAINT COMMITTEE REPORT

Aloysius Walsh; Michael Norins, MD, George Saunders, MD; Ralph Loomis, 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 97 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.

MALPRACTICE COMMITTEE REPORT

Aloysius Walsh; Michael Norins, MD, George Saunders, MD; Ralph Loomis, 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 Malpractice Committee reported on 23 cases. A written report was presented for the Board's review. The Board adopted the Committee's recommendation to approve the written report. The specifics of this report are not included because these actions are not public information.

A motion passed to return to open session.

MEDICAL EXAMINER COMMITTEE REPORT

Aloysius Walsh; Michael Norins, MD, George Saunders, MD; Ralph Loomis, MD

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

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

A motion passed to return to open session.

NORTH CAROLINA PHYSICIANS HEALTH PROGRAM (NCPHP) COMMITTEE REPORT

Dicky Walia; Sarvesh Sathiraju, MD; Don Jablonski, DO

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

A motion passed to return to open session.

INVESTIGATIVE COMMITTEE REPORT

Janelle Rhyne, MD; Arthur McCulloch; E. K. Fretwell, PhD; Sarvesh Sathiraju, 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 95 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.

Twenty-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.

ADJOURNMENT

This meeting was adjourned on May 19, 2006.

Janelle A. Rhyne, MD
Secretary