

# **MINUTES**

North Carolina Medical Board

**August 15-16, 2007**

**1203 Front Street  
Raleigh, North Carolina**

Minutes of the Open Sessions of the North Carolina Medical Board Meeting August 15-16, 2007.

The August 15-16, 2007, 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 9:09 a.m., Wednesday, August 15, 2007, by H. Arthur McCulloch, MD President. Board members in attendance were: Janelle A. Rhyne, MD, President Elect; George L. Saunders, III, MD, Secretary; Ralph C. Loomis, MD, Treasurer; Donald E. Jablonski, DO; John B. Lewis, Jr., JD (August 15 only); Robert C. Moffatt, MD, Michael E. Norins, MD; Peggy R. Robinson, PA-C; and Sarvesh Sathiraju, MD.

Staff members present were: R. David Henderson, JD, Executive Director; Nancy Hemphill, JD, Special Projects Coordinator; 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; Mr. David Allen, Investigator; Mr. Dale Breaden, Director of Public Affairs; Ms. Dena Konkel, Assistant Director, Public Affairs; Mrs. Joy D. Cooke, Licensing Director; Ms. Michelle Allen, Licensing Supervisor; Ms. Amy Ingram, Licensing Assistant; Ms. Ravonda James, Licensing Assistant; Ms. Kimberly Chapin, Licensing Assistant; Ms. Lori King, Physician Extender Coordinator; Ms. Quanta Williams, Physician Extender Coordinator; Michael Sheppa, MD, Medical Director; Scott Kirby, 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. Mary Mazzetti, Receptionist; Ms. Barbara Gartside, Operations Assistant/Licensing Assistant; Mr. Donald Smelcer, Technology Department Director; and Mr. Jeffery Denton, Executive Assistant/Verification Coordinator.

## MISCELLANEOUS

### Presidential Remarks

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

Mr. Henderson announced that Ms. Kimberly Chapin has joined the staff as a Licensing Assistant in the Licensing Department. Ms. Cooke made introductions

Mr. Gupta provided training on the revised Board Book software.

### Naturopathic Physician Licensing Act (Senate Bill 1080 Legislative Session 2007)

At the President's request, Dr. Norins met with Senator Kinnaird who was the primary sponsor of Senate Bill 1080 which was not acted on during this legislative session. Sen. Kinnaird is championing an initiative to license naturopathic providers who would diagnose a variety of ailments and offer treatment with an armatarium of "natural" products such as herbal preparations, nutraceuticals and other products. The proposed bill recognizes the

need for providing assurance to the public that naturopaths who offer their services have met a minimum standard of training and competence. Dr. Norins noted the wide scope of practice established in this bill and the pitfalls ahead including opposition or conflict with others with overlapping jurisdictional claims.

Dr. Norins recommends that the Board explore whether the licensing and regulation of naturopaths is needed to protect the public and, if so, whether Senate Bill 1080 is the best way to proceed.

### **Administrative Licenses and Noncertifications**

Since 2005 the Board has issued approximately 12 Limited Administrative Licenses via consent orders to individuals who had not been engaged in active clinical practice for a significant period but, unlike most reentry candidates, did not desire to return to clinical practice. Most of these applicants are researchers for pharmaceutical companies or working in the insurance industry doing utilization review work. NCGS § 58-50-61 speaks to who may perform utilization reviews. "...a medical doctor licensed to practice medicine in this State shall evaluate the clinical appropriateness of noncertifications." Legal staff asked if physicians holding only a limited administrative license are permitted by law to make noncertifications. A discussion ensued. One Board Member stated, "Persons second guessing me should be as qualified as I am." Another Board Member pointed out that most utilization reviews and certifications are not done by physicians but by nursing personnel. It was also pointed out that pathologist and radiologist don't see patients in a clinical setting either. Another factor is the Board's increasing focus on continued competence. Even so, if a physician was issued a full license to do utilization reviews and continued to do these for a number of years would that be an issue since they had not technically been in a clinical setting for those years? At some point would they have to go through a reentry process (again)? There appears to be no controversy about who does "certifications," the Board is concerned with who makes the "noncertification" decision. Concern was expressed that if a full license is required there may be some far reaching implications with the insurance companies.

**Motion:** A motion passed that noncertifications (utilization reviews) in North Carolina need to be done by a licensee who holds a full unrestricted license. For initial applications, if the practitioner has been out of clinical practice for more than two years the applicant must appear for an interview to be assessed. (Opposed – Saunders, Robinson, Sathiraju, Lennon; Absent – Moffatt, Lewis)

### **Project Lazarus – Prescription Naloxone in Wilkes County, NC**

Dr. Rhyne announced that Wilkes County will has proposed a pilot program for the prescription and distribution of Naloxone for overdose prevention in Wilkes County, to be called Project Lazarus. Wilkes County has one of the highest overdose death rates in the state, on par with the highest anywhere in the country. Several task forces including the Northwest Community Care Network (NCCN), Wilkes County Chronic Pain Initiative, and Wilkes Community Health Council Substance Abuse Task Force have adopted a multi-dimensional approach to reduce opioid overdose deaths. They have asked for the Board's view of this initiative.

**Action:** The President referred this issue to the Policy Committee for additional information and to bring a recommendation back to the Board.

### **NCGS § 90-16. (e1) ...Board to keep public records.**

One of the changes to the Medical Practice Act, effective October 1, 2007 is the following additional language to G.S. 90-16:

(e1) When the Board receives a complaint regarding the care of a patient, the Board shall inform the complainant of the disposition of the Board's inquiry into the complaint and the Board's basis for that disposition. Upon written request of a patient, the Board may provide the patient a licensee's written response to a complaint filed by the patient with the Board regarding the patient's care. Upon written request of a complainant, who is not the patient but is authorized by State and federal law to receive protected health information about the patient, the Board may provide the complainant a licensee's written response to a complaint filed with the Board regarding the patient's care. Any information furnished to the patient or complainant pursuant to this subsection shall be inadmissible in evidence in any civil proceeding. However, information, documents, or records otherwise available are not immune from discovery or use in a civil action merely because they were included in the Board's review or were the subject of information furnished to the patient or complainant pursuant to this subsection.

A discussion ensued regarding establishment of protocols for possible dissemination of a licensee's written response to a complaint filed by the patient/complainant with the Board regarding the patient's care.

**Motion:** A motion passed as follows:

- In the initial letter to licensees advising them of the complaint, licensees will be advised that due to a change in the law a copy of their response may be provided to the complainant but that response may not be used by the patient/complainant in a civil proceeding.
- As complaints are reviewed by OMD, they will indicate whether they believe, in accordance with guidance by the Board, it would be appropriate to send a copy of the licensee's response to the patient/complainant. The SSRC, the appropriate committee and the Board will review this recommendation and make the final decision.
- If a duly authorized person requests a copy of the response, staff will advise the complainant that the request must be in writing. When the written request is received, staff will look to see if the Board has approved release of the response. An appropriate letter will be sent to the complainant.

Time will be set aside at the September meeting for the Board to discuss the following specific issues as part of the above protocol: (a) will the complainant be notified about the change to the law that permits the Board to share a licensee's response?; (b) are there instances where it would be better to provide a summary of the response or a redacted copy instead of the entire response?; and (c) in determining whether to release a copy of the response, should the criteria be (1) don't send unless it so will be beneficial to the patient, or (2) do send unless it would be harmful to the patient?

## MINUTE APPROVAL

**Motion:** A motion passed that the July 18-20, 2007, Board Minutes are approved as presented.

## CONTINUED COMPETENCE COMMITTEE REPORT

Michael Norins, MD, Chair; Peggy Robinson, PA-C

The Continued Competence Committee of the North Carolina Medical Board was called to order at 3:15 p.m., Thursday, July 19, 2007, at the office of the Board. Members present were: Michael Norins, MD, Chair; and Peggy Robinson, PA-C. Also attending were: Michael Sheppa, MD, Medical Director; and Jeffery Denton, Recorder (Staff). Absent was Thomas Mansfield, JD, Director, Legal Department (Staff).

### NC Summit – Formulating an Action Plan

Dr. Norins reported that Dr. Newton, Head of the Pediatric Department, Brody School of medicine has made available a residency program for an applicant of the Board.

**Action:** Dr. Sheppa is to draft a thank you letter for Dr. Newton.

Dr. Sheppa reported he has met with Duke Representatives from the summit. He will be meeting with UNC representatives to explore their interest in establishing an evaluation program and/or a remediation program. He will continue to move forward with the goal of establishing an instate evaluation program and developing a remediation program with the medical schools. These two efforts may or may not be linked.

### Registration Questionnaire Review

Background: It has been noted that the questions on the annual registration form that relate to not being in the active practice of medicine, the whys and what have you really been doing are all optional responses. Thus, no reliable data along this line is available. A motion passed to reevaluate subject questions and make answering them “mandatory.” This relates to those questions along the line of being out of the active practice of medicine, why and what are you doing. Reviewing the registration questionnaire is a priority for the Continued Competence Committee. Reviewers will be looking for more specific questions pertaining to practice activity and how to refine questions to be useful in identifying physicians that may be in need of reentry type education.(May 2007)

Update: The Physician Registration Form was reviewed. There is a consensus that the time has come to do something about physicians that are not practicing medicine but keeping their licenses without continued clinical experience.

**Full Board Motion:** A motion passed recommending that the registration form be modified as follows:

Where the “Are you engaged in direct patient care” equals “**NO**” – they should read as follows:

- ☐ retired from active practice
- ☐ not in practice since \_\_\_\_\_
- ☐ percent of time employed in a non-medical field \_\_\_\_\_
- ☐ percent of time primarily doing research, teaching, or administration related to

medicine

### **Self-terminating Reentry Orders**

The committee feels that once a reentry program is satisfactorily completed it does not need to come back Board for additional action. The committee believes that in these cases the congratulatory letter can be sent without additional board action. This could be handled at the staff level.

**Full Board Motion:** A motion passed that once reentry programs are satisfactorily completed, the appropriate staff is authorized to send the congratulatory letter, and report in the course of business to the Board and part of the compliance report.

### **CME**

The subject of how to make CME meaningful and a reliable indicator of continued competency. At some point in the future look at making physicians with hospital privileges exempt from CME audits.

**Update:** Mr. Henderson stated that the current policy was to look at CME in three cases: (1) open investigations, (2) those invited for informal interviews, and (3) those that report less than the required 150 hours in three years. He indicated the first two cases are being done routinely; however, the third case is a complicated programming issue and being developed by Mr. Hari Gupta, Operations Department Director, and that it will eventually show results. He stated that the Board has limited resources to deal with random audits and it would be a fairly big undertaking.

**Action:** Mr. Henderson will report back to the committee in September with a proposal.

**Full Board Motion:** A motion passed to move forward in the development of random audits. ABMS constituent boards and self study programs should be exempt from the audits.

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 Continued Competence Committee reported on one investigative case. 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.

The next regular meeting of the Continued Competence Committee is tentatively set for Thursday, September 20, 2007.

**Motion:** A motion passed to approve the Continued Competence Committee minutes as modified.

## **BEST PRACTICES AD HOC COMMITTEE REPORT**

George Saunders, MD, Chair; Michael Norins, MD; Robert Moffatt, MD; Ralph Loomis, MD; Janelle Rhyne, MD; Donald Jablonski, DO

The Best Practice Ad Hoc Committee of the North Carolina Medical Board was called to order at 12:40 p.m., Wednesday, August 15, 2007, at the office of the Board. Members present were: George Saunders, MD, Chair; Janelle Rhyne, MD; Michael Norins, MD; Robert Moffatt, MD;

Ralph Loomis, MD; and Donald Jablonski, DO. Also attending were: H. Arthur McCulloch, MD, President; David Henderson, JD, Executive Director (Staff); Nancy Hemphill, Special Projects Coordinator; and Jeffery Denton, Recorder (Staff).

Topics were discussed as follows:

**Topic E: Board Officers and Composition** (Moffatt, Loomis)

Appoint committee to study role of officers, Executive Committee, nomination process, also:

- Study internal governance of Board from top to bottom.
- Study structure, makeup and function of the Executive Committee.
- Look at officer structure of Executive Committee (chairman vs. president, etc.).
- Look at the current automatic succession system.
- Consider separate nominating and executive committees. Nomination input is desired from the entire body.
- Make current Executive Committee activities/functions both transparent and *inclusive*.

**Update:** Due to time restrictions and input from the Selection Process Ad Hoc Committee this item is tabled till the July Committee Meeting. (May 2007)

**Update:** Due to time restrictions Dr. Loomis and Dr. Moffatt will write up a recommendation and send it to committee members. A special meeting of the committee will occur during lunch at the August Board Meeting to review this item. (July 2007)

**Update:** Dr. Loomis and Dr. Moffatt reported as follows: They recommend only minor changes to the Executive Committee structure. By combining the secretary/treasurer position and adding a member at large position this will allow for a shorter de facto succession period. It was noted that a succession plan is not part of the bylaws with the current succession trend being a de facto plan. This proposal will provide flexibility to deal with all possible contingencies. The Nominating Committee should be comprised of the Executive Committee and all Board Members being afforded the opportunity to attend this committee meeting, commenting on the slate, and voting on it. Officer terms should remain as one year with the turnover date being October 31 yearly. There is value to the current system of tutoring. It takes years of watching to do the Presidential job well, especially as Hearing Officer. It is felt the actions of the Executive Committee have always been transparent but not always inclusive since other committees meet at the same time precluding all Board Members from attending the Executive Committee meetings. (August 2007)

**Specific Recommendations to the Full Board:**

- **Study internal governance of Board from top to bottom.** No changes

recommended.

- **Study structure, makeup and function of the Executive Committee.** Officers to consist of President, President-Elect, and Secretary/Treasurer. Executive Committee to consist of above officers plus Immediate Past President and Member at Large.
- **Look at officer structure of Executive Committee (chairman vs. president, etc.).** No changes recommended.
- **Look at the current automatic succession system.** There is only a perceived automatic succession system in that under the current bylaws any Board member may be elected to any office (although it is implied that the President-Elect will be elected as President). At the time of the annual election, it should be made clear that any Board member is eligible for any officer position.
- **Consider separate nominating and executive committees. Nomination input is desired from the entire body.** The Executive Committee and the remaining members of the Board will convene as a Nominating Committee to nominate and elect officers to the Board. A simple majority will suffice.
- **Make current Executive Committee activities/functions both transparent and inclusive.** No changes recommended. All Executive Committee activities/functions are on the Board Book for other members to review and are, therefore, transparent. Board workload does not permit scheduling the Executive Committee meetings at a time when all other Board members may attend.

**By Laws:** The bylaws will need to be modified to accomplish the above. It is recommended that the entire by laws be looked at during this process. The forum for this process is left up to the President.

**Update:** It was suggested that the past (outgoing) president review the by laws yearly. Initially, Dr. McCulloch and Dr. Moffatt will do a joint review this year.

**Board Letterhead:** Board letterhead should contain names of the officers and all Board Members. If possible, the letterhead should not be changed more than once a year.

The next regular meeting of the Best Practice Ad Hoc Committee is tentatively set for Thursday, November 15, 2007.

**Motion:** A motion passed to approve the Best Practices Committee report as modified.

## ATTORNEY'S REPORT

### HEARINGS

**Anderson, Robert, MD – Austin, TX**  
Out of State - Louisiana

On March 20, 2006, the Louisiana Board placed MD's medical license on Probation for a period of three (3) years (for chemical dependency).

August 15, 2007 hearing was continued

Dr. Anderson was not represented by counsel.  
The Board was represented by Brian Blankenship.

**Augustus, Carl Trent MD – Charlotte, NC**  
Disciplinary

Dr. Augustus was charged with failure to comply with his Consent Order and with conversion of an insurance check from BCBS.

August 15, 2007 hearing was continued to October 17, 2007

Dr. Augustus was represented by Cressie Thigpen.  
The Board was represented by Marcus Jimison.

**Bowman, James Thomas MD – North Wilkesboro, NC**  
Denial

Dr. Bowman's application for reinstatement of his medical license was denied. The denial was based on his past history with the Board, the requirement of an intensive re-entry period and possibly further training since he has not practiced medicine since 2002, his criminal history, and his probation violation in 2003.

August 15, 2007 hearing was continued to October 17, 2007

Dr. Bowman was represented by Alan Schneider.  
The Board was represented by Katherine Carpenter.

**Chen, Chih-Cheng, MD – Wilmington, NC**  
Disciplinary

Dr. Chen was charged with administering injections of Marcaine for myofacial pain without sufficient scientific and evidence based rationale.

HEARING: August 15-16, 2007.

Dr. Chen was represented by Bruce Allen.  
The Board was represented by Marcus Jimison.

**BOARD ACTION:** Reprimand, discontinue use of injections at issue, and improve charting to satisfy Medicare standards.

**Crummie, Robert Gwinn MD – Rutherfordton, NC**  
Disciplinary

Dr. Crummie was charged with unprofessional conduct for a history of alcohol abuse.

August 15, 2007 hearing continued to October 17, 2007

Dr. Crummie was represented by James Wilson.  
The Board was represented by Marcus Jimison.

**Fann, Benjamin Bradley MD – Asheville, NC**  
Disciplinary

Dr. Fann was charged with unprofessional conduct by practicing below the standard of care in NC, demonstrating disruptive behavior with staff and patients, and failing to inform patients that his hospital privileges were suspended.

August 15, 2007 hearing was continued to consider a proposed Consent Order

Dr. Fann was represented by Carolyn Coward and Phil Smith.  
The Board was represented by Marcus Jimison.

**BOARD ACTION:** Accept proposed Consent Order

**Fedak, Jason R PA – Wilmington, NC**  
Out of State – Connecticut

Mr. Fedak was charged with having a license to practice as a physician assistant restricted by another licensing authority based on the Consent Order with the Connecticut Board issuing a letter of Reprimand and placing restrictions on his controlled substances privileges. These actions were taken as the result of his admission that between November 2004 and November 2005, he prescribed controlled substances and other medications for his wife, who was not his patient.

Hearing: August 16, 2007.

Mr. Fedak did not attend and was not represented by counsel.  
The Board was represented by Todd Brosius for Katherine Carpenter.

**BOARD ACTION:** 30 day stayed suspension

**Flechas, Jorge David MD – Hendersonville, NC**  
Disciplinary

Dr. Flechas was charged with practicing below the standard of care in North Carolina.

August 15, 2007 hearing was continued to October 17, 2007.

Dr. Flechas was not represented by counsel.  
The Board was represented by Katherine Carpenter.

**Mauskar, Anant, MD – Houston, TX**  
Out of State – Texas

On June 2, 2006, the Texas Board and MD entered into an agreed order suspending his license indefinitely, staying the suspension and placing him on probation under numerous terms and conditions. The action was based on MD's conviction in Federal

Court of conspiracy to commit health care fraud and of health care fraud, which conviction is now on appeal.

HEARING: August 16, 2007

Dr. Mauskar did not attend and was not represented by counsel.  
The Board was represented by Brian Blankenship.

**BOARD ACTION:** Indefinite Suspension. Suspension stayed immediately if MD complies with the Texas Order.

**Sebhat, Berhan MD – Durham, NC**

Disciplinary

Dr. Sebhat was charged with failing to comply with his October 2006 Consent Order.

HEARING: August 16, 2007.

Dr. Sebhat did not attend was not represented by counsel.  
The Board was represented by Brian Blankenship.

**BOARD ACTION:** Revoke

**Sleeper, Arthur Michael MD - Martinsville, VA**

Out of State – Virginia

Dr. Sleeper was charged based on action taken by the Virginia Board determining that MD engaged in a personal, romantic relationship with a patient. The Virginia Board issued a letter of Reprimand.

Case was settled prior to August 15, 2007 hearing through a pre-approved Consent Order

Dr. Sleeper was not represented by counsel.  
The Board was represented by Brian Blankenship.

**Washington, Clarence Joseph MD - Cary, NC**

Disciplinary

Dr. Washington was charged with writing prescriptions for close family members without maintaining proper written records.

August 15, 2007 hearing was continued

Dr. Washington was not represented by counsel.  
The Board was represented by Brian Blankenship.

**Wurster, Samuel, MD – Cary, NC**

Disciplinary

On March 15, 2006, the Board charged Dr. Wurster in connection with his serving as medical director for a laser hair removal clinic in Raleigh.

August 15, 2007 hearing was continued to consider a proposed Consent Order

Dr. Wurster was represented by Richard Vanore  
The Board was represented by Brian Blankenship

**BOARD ACTION:** Accept proposed Consent Order

**Legislation** – Mr. Mansfield summarized the following legislation passed in the 2007 session of the General Assembly for the Board.

**HOUSE BILL 818  
SESSION LAW 2007-346**

AN ACT TO AMEND THE LAWS PERTAINING TO THE PRACTICE OF  
MEDICINE AND TO AMEND THE LAWS PERTAINING TO THE PRACTICE  
OF DENTISTRY.

- The current Medical Practice Act lacks certain basic provisions that are commonly found in statutes governing similarly situated Boards including, a definition section and a section describing and prescribing the powers and duties of the Board.
- This bill creates a definition section of commonly used terms and clearly defines the powers and duties of the Board. Among the most important is the ability of the Board to regulate the retention and disposition of medical records and, when necessary, appoint a custodian of medical records abandoned by a physician who has passed away or disappeared.
- This bill enhances the ability of the Board to conduct disciplinary hearings by allowing the use of “hearing officers”. Presently, only Board members can conduct disciplinary hearings. This bill will allow the Board to use as hearing officers, current and past Board members and any current or retired member of the state or federal judiciary. It is anticipated that this will allow the Board to conduct additional disciplinary hearings by increasing the pool of available hearing officers.
- This bill will result in a more public friendly medical practice act.
- This bill reorganizes the entire Medical Practice Act in logical manner and incorporates many existing rules into the statute so that the public and physicians can more easily find the law relevant to them.
- The bill changes the Board member selection process by establishing an independent review panel to make recommendations to the Governor for appointments to the Board.
- This bill also establishes qualifications that physicians, physician assistants, and nurse practitioners must meet to be eligible for a position on the Medical Board.
- The bill creates an online profile that will provide greater information to the public about physicians and physician assistants.

- The online profile will include information such as certain criminal convictions, disciplinary action taken by other state and federal agencies, and certain malpractice information.
- On behalf of dental board, this bill creates a volunteer dentist license.
- A volunteer dentist may not charge a fee and may volunteer to work only at certain hospitals, at non-profit clinics serving low-income populations, or as a volunteer for the State.

**HOUSE BILL 1381**  
**RATIFIED BILL**

AN ACT AUTHORIZING THE NORTH CAROLINA RESPIRATORY CARE BOARD TO RAISE THE CEILING ON CERTAIN LICENSURE FEES AND AUTHORIZING THE NORTH CAROLINA MEDICAL BOARD TO ESTABLISH AND INCREASE CERTAIN FEES.

- The sections relating to the Medical Board are primarily a reorganization of existing law.
- The licensing provisions will appear in sequence instead of scattered through the Medical Practice Act.
- The provisions of the repealed sections have been moved to new section numbers.
- The bill codifies several existing rules.
- The bill is revenue neutral.
- The only entirely new fee is for the Special Purpose License and will be set by rule.
- The Special Purpose License will permit physicians in good standing in other states to come to North Carolina to teach new techniques to North Carolina surgeons and physicians.
- The bill permits the Board to retain jurisdiction over lapsed licenses held by resident physicians in training.

**SENATE BILL 864**  
**RATIFIED BILL**

AN ACT TO AMEND THE CHIROPRACTIC PRACTICE ACT TO REQUIRE CRIMINAL RECORD CHECKS ON APPLICANTS FOR LICENSURE AS CHIROPRACTIC PHYSICIANS, TO PROHIBIT CHIROPRACTORS FROM OFFERING ENTICEMENTS TO PROSPECTIVE PATIENTS, TO EXPAND THE GROUNDS FOR PROFESSIONAL DISCIPLINE OF CHIROPRACTORS; TO AMEND THE PERFUSIONIST LICENSURE ACT, AND TO MAKE CHANGES TO THE APPOINTING PROCESS FOR THE NORTH CAROLINA STATE BOARD OF OPTICIANS.

- Name change
- Board may remand matters to Committee

- Immunity for Committee members
- Establish standards
- Confidentiality of investigations, etc.
- Maintenance of certification required
- Expands disciplinary authority
- Optician Board selection process changes
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## **HOUSE BILL 726**

### **RATIFIED BILL**

AN ACT ALLOWING THE NORTH CAROLINA BOARD OF ELECTROLYSIS EXAMINERS TO PROVIDE FOR THE LICENSURE OF LASER HAIR PRACTITIONERS AND LASER HAIR PRACTITIONER INSTRUCTORS UPON MEETING CERTAIN REQUIREMENTS ESTABLISHED BY THE BOARD AND AUTHORIZING THE BOARD TO CHARGE FEES RELATED TO THOSE CERTIFICATIONS.

- Creates Laser Hair Practitioner
- Unlicensed practice is a **felony**
- Establishes requirements in Section 6 of the bill
  - Supervision by physician (N.C. Gen. Stat. §88A-11.1(c))
  - No medications dispensed or used
  - Must comply with all laws (FDA, etc.)
  - MD's/PA's/NP's exempted (page 3, Section 10 of the bill)

## **SESSION LAW 2007-146**

### **HOUSE BILL 1492**

AN ACT AUTHORIZING THE LICENSURE OF ANESTHESIOLOGIST ASSISTANTS.

- Criteria for licensure (Section 1 of the bill)
- Rules (Section 3)
- Limitations (Section 4)
- Supervision by anesthesiologist
- Limit of two (2) AA's per anesthesiologist

### **Litigation**

#### **Selection Process Lawsuit**

A motion passed to close the session pursuant to 90-8, 90-14, 90-16, 90-21.22 and 143-318.11(a) in order to discuss pending litigation regarding the Board Member selection process.

Mr. Mansfield reported on the status of this lawsuit.

A motion passed to return to open session.

Capital Punishment Lawsuit

A motion passed to close the session pursuant to 90-8, 90-14, 90-16, 90-21.22 and 143-318.11(a) in order to discuss pending litigation filed by the Department of Correction regarding physician involvement in Capital Punishment.

Mr. Mansfield reported on the status of this lawsuit.

A motion passed to return to open session.

## **ALLIED HEALTH COMMITTEE REPORT**

Don Jablonski, DO; Sarvesh Sathiraju, MD; Peggy Robinson, PA-C;

### **Initial Physician Assistant Licensed Approved (July 10 – August 8, 2007)**

Ajo, Donna Marie  
Bailey, Kyle Frank  
Boehmke, Karen Louise  
Brooks, Amanda Elizabeth  
Callahan, Gwen Susan  
Cognac, Gregg Alan  
Collins, Ann Marie  
Davidson, Patrick Michael  
Eck, Mary Ann  
Fallis, Lauren Grace  
Fossum, Kurt  
Hassler, Heather Carson  
Hoag, David Floyd  
Holder, Paige Nichol  
Kramer, Olga Maria  
Livengood, Lawrence William  
Nicol, Kristi Lynn  
Skiles, Megan Christina  
Skillman, Katherine Elizabeth  
Taylor, Anne Marie  
Wagner, Jeffrey Douglas  
Wolf, Audrey Jean  
York, Marianne Louise Cochran

### **Physician Assistant Additional Supervisor List**

<b>Name</b>	<b>Primary Supervisor</b>	<b>Practice City</b>
Althisar, Henry	Davis, Jerome	Greensboro
Ambroise, Marie-Jacques	Pitts, Venus	Durham
Ardelean, Rhonda	Harmaty, Myron	Charlotte
Baker, Robin	Zammit, Joseph	Greensboro
Beach, Charles	Hart, Oliver	Winston Salem
Best, Jessica	Breiner, Jeffrey	Garner
Boehmke, Karen	Vu, Khanh	Henderson
Bradshaw, Sarah	Levy, Jay	Charlotte
Buchanan, Misty	Cox, Craig	Kernersville
Campbell, Kimberly	Perry, John	Raleigh
Carter, James	Obi, Reginald	Plymouth
Carter, Laura	Klinepeter, Kurt	Winston Salem
Chazan, Jennifer	Albright, Daniel	Raleigh
Christian, Michelle	Singh, Pradeep	Rock Hill
Christian, Michelle	Singhi, Sushil	Rock Hill
Dewar, John	Rosenbloom, Alan	Greensboro
Dewar, John	Voulgaropoulos, Menelaos	Stony Point
Elmore, Melanie	Benedict, Frederick	Raleigh
Elmore, Melanie	High, Rhett	Raleigh
Elmore, Melanie	Lyle, William	Raleigh
Ferrill, Elizabeth	Akman, Steven	Winston Salem
Ferron, Christopher	Williamson, Charles	Wilson
Fisher, Jessica	Gebrail, Ayman	Wilmington
Gauthier, Cherie	Armistead, Hal	Huntersville
Glasgow, Cheryl	Roy, Raymond	Winston Salem
Gregg, Lauren	Lohr, Lloyd	Lexington
Griffin, Lindsay	Brick, Wendy	Charlotte
Grove, Randall	Garrett, James	Jacksonville,
Hedgecock, Suzann	Jarrett, Thomas	Kernersville
Hinds, David	Ahmed, Maqsood	Goldsboro
Holder, Paige	Kelling, Douglas	Concord
Horton, Tiffany	Njapa, Anthony	Wilmington
Hunt, Scot	Rowson, Jonathan	Maxton
Hutchens, Michele	Rocamora, Lee	Winston Salem
Johnson, Curtis	Aul, Christopher	Fayetteville
Johnson, Mary Ann	Solovieff, Gregory	Goldsboro
Justice, Brenda	Reyes, Rodolfo	Benson
Kirk, John	Phillips, Bruce	Elizabethtown
Kramer, Olga	Hall, Timothy	Charlotte
Kurtz, Harry	Parnell, Jerome	Raleigh
Lee, Laurie	Yarborough, Kimberly	Roxboro

Lefler, Ronald	Templeton, David	Salisbury
Lehman, Michael	Low, William	Smithfield
Lehman, Michael	Yaeger, Edwin	Smithfield
Maddux, Joseph	Doshi, Hirendra	Raleigh
Mangin, Ross	Ghim, Michael	Greensboro
McClure, Kathleen	Loper, Peter	Charlotte
McDowell, Julie	Arnold, Terry	Lexington
Melgar, Tammy	Traylor, Henry	Wilmington
Mitchel, Roger	Aarons, Mark	Rockingham
Murray, Joanna	Lazio, Barbara	Greenville
Pedacchio, Misty	Medford, Mark	Pinehurst
Pilkington, Cynthia	Andrews, Robert	Durham
Revels, Christina	Melton, Kenneth	Fayetteville
Rojas, Brian	Benevides, Marc	Raleigh
Rojas, Brian	Edrington, Richard	Raleigh
Rojas, Brian	Stocks, Lewis	Raleigh
Scime, Kseniya	Harmaty, Myron	Charlotte
Sepka, Richard	Hocker, Michael	Durham
Skiles, Megan	Powell, Bayard	Winston Salem
Skillman, Katherine	Daniel, Terry	Eden
Swansiger, David	Rosen, Robert	Winston Salem
Wall, Luvae	Greenberg, Gary	Raleigh
Wallace, Connie	Howard, Chad	Monroe
Wheeler, Merritt	Bechtel, Mark	Charlotte
Wolf, Audrey	Burns, Martin	Charlotte
York, Marianne	Magod, Marc	Greensboro

#### Initial Nurse Practitioner Applicants

NAME	PRIMARY SUPERVISOR	PRACTICE CITY
Brinker, Celia	Mills, John	Henderson
Camplin, Kristen	Thomas, Dori	Wake Forest
Colosimo, Lisa	Chao, Nelson	Durham
Czimber, Virginia	Whitesides, Paul	Wilmington
DeLoach, Robin	Stewart, Robert	Chapel Hill
Denning, Mary	Stinson, Jeffrey	Wilmington
Dills, Erin	Greenspan, Linda	Rocky Point
Dimsdale, Allison	Blazing, Michael	Durham
Ervin, Brooke	Creighton, Robert	Chapel Hill
Evers, Stephanie	Bustard, Victor	New Bern
Frazier, Myra	Jones, Enrico	Kernersville
Goldsmith, Barbara	Stinson, Charles	Winston-Salem

Goley, Michael	Hamrick, Harvey	Chapel Hill
Holdsworth, Noel	Godfrey, Joseph	Gastonia
Johns, Angela	Chao, Nelson	Durham
Keen, Crystal	Coxe, James	Raleigh
Knox, Jill	Madison, Christopher	Shelby
McClean, Virginia	Gush, Kimberly	Chapel Hill
Miller, Rory	Trani, Paul	Hendersonville
Morrissey, Kay	Bendell, Johanna	Durham
Myers, Jacqueline	Saik, Denise	Raleigh
Olivencia-Simmons, Ivelisse	Rich, Preston	Chapel Hill
Palm Andrews, Megan	Kindman, Louis	Oxford
Richardson, Michelle	Byrd, Christopher	Apex
Rock, Ella	Moore, Jeffrey	Laurinburg
Sherwood, Elizabeth	Godley, Paul	Chapel Hill
Tewolde, Catherine	Murphy, Gregory	Rocky Mount
Udike, Christina	Vincent, Mark	Huntersville
West, Margaret	Richter, Holly	Fayetteville
Whitley, Deanna	Thevaos, George	Indian Trail
Wiggins, Kristi	Chao, Nelson	Durham
Wilson, Julie	Simpson, Mark	Cary

#### **Nurse Practitioner Additional Supervisor List**

<b>NAME</b>	<b>PRIMARY SUPERVISOR</b>	<b>PRACTICE CITY</b>
Adriance, Robin	Heller, Michael	Clyde
Andrews, Nancy	DeSantis, Michael	Hickory
Angrisani, Patricia	McEwen, Luther	Largo
Baluha, Kathleen	Watters, John	Hendersonville
Barnhardt, Cynthia	St. Clair, Steven	Concord
Beane, Alice	Moore, Jeffrey	Laurinburg
Beasley, Amanda	Scarff, John	Lexington
Benbow, Debra	Jones, Enrico	Kernersville
Bowen, Betty	Buglisi, Lucille	Richlands
Brand, Dana	Farrington, Cecil	Salisbury
Bridgeman, Rachel	Teeter, Robert	Boone
Brown, Gaynelle	Shen, John	Albemarle
Brown, Laura	Kuller, Jeffrey	Raleigh
Burleson, Terri	Leggett, Kelly	Greensboro
Ciaccio, Joy	MacArthur, Robert	Greensboro
Cummings, Phillip	Hager, Angela	Fort Bragg
Cummings, Sally	Lizardo-Morales, Diana	Fort Bragg
Davis, Sandy	Chiu, Jenyung	High Point

Durant, Monica	MacArthur, Robert	Greensboro
Ellington, Heather	Fletcher, Robert	Wilson
Fee, Mary	Thompson, Myrna	Charlotte
Fisher, Julie	Leggett, Kelly	Greensboro
Ghianni, Claudina	Locklear, David	Belmont
Golden, Maureen	Burchette, Bruce	Summerfield
Guin, Timothy	Goettler, Claudia	Greenville
Gusmann, Robin	Fernandez, Gonzalo	Cary
Harris, Kathy	Leggett, Kelly	Greensboro
Hensley, Amy	Campbell, James	Danbury
Hinson, Kristen	Coward, Holly	Chapel Hill
Hunter, Laura	Goggin, Colin	Bryson City
Ikeakanam, Roseline	Davis, Arthur	Lillington
Ilesanmi, Adebola	Jones, Enrico	Winston-Salem
Irving, Sharon	Jonnalagadda, M.	Jacksonville
Jasmine, Mary	Guerriero, Gregory	Kannapolis
Jefferson, Brian	Thomason, Michael	Charlotte
Jessup, Ann	Loechner, Karen	Chapel Hill
Jones, Caron	Harris, Robert	Burlington
Jones, Susanne	Buchanan, Sonya	Charlotte
Key, Evelyn	Leggett, Kelly	Greensboro
Killgore, John	Snow, Douglas	Windsor
Kimble-Hahn, JoAnn	Readling, Randy	Salisbury
King, Paula	McCabe, Joseph	Morehead City
LaLiberte, Sally	Vukoson, Matthew	Chapel Hill
Lavoie-Vaughan, Nanette	MacArthur, Robert	Greensboro
Lineberry, Susan	Leggett, Kelly	Greensboro
Little, Judith	Weidner, Julianne	Charlotte
Marlow, Emily	Curzan, Mark	Cary
Martin, Mary	Jones, William	Wilmington
May, Pia	McCallum, Jeffrey	Morehead City
Meade, Susan	Van Dyke, Allen	Asheville
Mullet, Stacy	Davis, George	Charlotte
Mullins, Margaret	Lyon-Smith, Mary	Warrensville
Newsome, Elizabeth	Leggett, Kelly	Greensboro
Nilson-Taylor, Diana	Gottschalk, Bernard	Wilmington
Nwoko, Agnes	Jones, Enrico	Kernersville
Parker, Debra	Lynn, Nicholas	Pinehurst
Parris, Christopher	Munoz, Paul	Shelby
Parrish, Rebecca	Jones, Enrico	Kernersville
Perkins, Margaret	Schneider, Alexander	Asheville
Pharr, Amy	Chowdhury, Shabbir	Fayetteville
Pruitt, Lysiane	Tran-Phu, Lan	Fayetteville

Raines, Christena	Meltzer-Brody, Samantha	Chapel Hill
Rinkacs, Thomas	Navaid, Musharraf	Laurinburg
Robinson, Carol	Jones, Enrico	Oak Ridge
Rosenbloom, Linda	Jarrett, David	Largo
Rosenbloom, Linda	Leggett, Kelly	Greensboro
Rowe, Veda	Bowman, Robley	Lenoir
Schalnat, Kimberly	MacArthur, Robert	Greensboro
Schroeder, Carol	MacArthur, Robert	Greensboro
Spach, Brenda	Fernandez, Gonzalo	Cary
Starr, Jvonne	Covington, Valencia	Charlotte
Stein, Judy	Criscione-Schreiber, Lisa	Durham
Stokes, LaMonica	Herman, Christopher	Winston-Salem
Stoner, Christina	MacArthur, Robert	Greensboro
Sumner, Paula	Uthe, William	Pittsboro
Sylvain, Hope	Huppmann, Joseph	Wilmington
Taniguchi, Aline	Liddle, Rodger	Durham
Taraban, Lora	Giometti, Jon	Hickory
Thomas, Sheela	Fernandez, Gonzalo	Raleigh
Thompson-Zielke, Hazel	MacArthur, Robert	Greensboro
Vandergrift, Patricia	Ransom, James	Greensboro
Varnam, Deborah	Holland, George	Shallotte
Vernon, Ann	Jones, Enrico	Summerfield
Vinzani, Catherine	Bruce-Mensah, Kofi	Cary
Vogrinc, Ashley	Jones, Enrico	Greensboro
Wade, Jodie	Green, Waverly	Sylva
Walson, Stella	Jones, Enrico	Kernersville
Walters, Richard	DeVaul, Chanson	Vanceboro
Williamson, Kristen	Kelley, Michael	Durham
Wolff, Alison	Smith, Leslie	Kernersville
Yates, Karee	Phillips, Mark	Greensboro
Young, Sara	Spear, Tammy	Summerfield
Zbodula, Katherine	Potter, Joan	Charlotte

## **LICENSING COMMITTEE REPORT**

Ralph Loomis, MD, Chair; Robert Moffatt, MD; John Lewis, JD

### **LICENSES APPROVED (July 21 – August 13, 2007)**

Aachen-Winans, James Meryl	Ahrens, William Albert
Abdelsayed, Ehab Ebrahim	Altomare, Ivy Paige
Abraham, Daniel Joseph	Attigere, Rekha Nagappa
Adams, Robert McLain	Ball, Tracei Denise
Adusumilli, Sankar Naidu	Banks, Kevin Patrick

Barnum, LaMonica Yvette  
Beal-Landis, Esther Rebecca  
Berger, Erica Lynn  
Bluth, Kirk Daniel  
Bollig, John Joseph  
Brooks, Olga Yevseyvna  
Buzzard, Terry Lee  
Cain, Kressida Tirea  
Cantees, Kimberly Knight  
Chander, Archana Vijaya  
Church, Lori Ann  
Cinemre, Hakan  
Crawford, Regina Denise  
Cunill, Erica Sandra  
Cutting, Paul Jerome  
Dalton, Rory Ralph  
Daly, Jennifer Ann  
Dasher, Lance Geoffrey  
Deyoe, Lane Alan  
Dolce, Charles James  
Domnina, Yuliya Anatolievna  
Doty, John Douglas  
Downing, Brian Elliott  
Dweik, Husni Wasif  
Eigles, Stephen Barnett  
Ejindu, Uwadiogbu Odinaka  
Ellis, Patrick Christopher  
Ernest, Roger Charles  
Everett, Robert Scott  
Fenton, Peter Edward  
Firszt, Rafael  
Flowers, Jeanne Smith  
Frisch, Harold Michael  
Garrison, Aaron Paul  
Gaspar de Alba, Mario Jose  
Gay, April Lavelle  
George, Ayodeji Tokunbo  
Giegengack, Matthew  
Gizdarski, Veselin Stoyanov  
Goad, Bradley Jackson  
Gulati, Ajay Sujan  
Hannum, Jennifer Lyn  
Harris, William Thomas  
Heiner, Mark David  
Helmrath, Michael Anthony  
Hollingshead, Michael Christian  
Hook, Carol Kikkawa  
Hossain, Mirmohd Mosharaf  
House, Joseph Bernard  
Hulsemann, Susan Jane  
Iarussi, Richard Joseph

Iqbal, Mohammad Omer  
Ji, Na Young  
Johnston, Michael Joseph  
Joshi, Deepak  
Kairouz, Jeanne Marie  
Kapoor, Sakshi  
Kasthuri, Raj Sundar  
Keys, Kristal Tamara  
Keys, Kristal Tamara  
Kirsch, David Guy  
Kletzing, Karl Herbert  
Kliesch, John Francis  
Kowal, Kathleen Tammara  
Lally, Patricia Elaine  
Lane, Kenneth Stuart  
Larbi-Siaw, Kwame  
Lee, Marvin  
Lee, Melvin Gordon  
Lloyd, Lancelot Augustus  
LoCascio, Elizabeth Spence  
Lopez, Fernando A  
Lovorn, Megan Beth  
Macomber, Christine Linz  
Madani, Navid  
Mathew, Thomas  
McBrayer, Daniel Enoch  
McNeal, Jenea Nicole  
Mearns, John Floyd  
Meka, Rajana  
Michel, Eduard  
Mirza, Alamgir  
Moore, Laura Verde de Fornos  
Nasruddin, Shaheda  
O'Brien, James Patrick  
Oyetunde, Olasunkanmi Kolawole  
Palmer, Lena Brice  
Panwar, Sangeeta  
Parker, Sarah Cates  
Patel, Sejan Bhupendra  
Patel, Shomeet Vikram  
Patel, Trushar Bhagvatbhai  
Perry, Kevin Patrick  
Phan, Quoc Tai  
Phillips, Trevor Grant  
Pitovski, Dimitri Zivko  
Power, Kenneth Harrison  
Preston, Lynn Marie  
Quevedo, Sylvestre Grado  
Railey, Kenyon Michael  
Ramanathan, Chandar  
Reebye, Uday Nitin

Rice, Nicole Wellman  
Richardson, Maurice Devon Clay  
Rimmer, Marina Valeryevna  
Rossi, Victor  
Roy Chowdhury, Kishore  
Sanoff, Scott Leonard  
Savera, Adnan Tabrez  
Schroer, Brady Joe  
Senor, Brett Blackmon  
Sheikh, Shehzad Zafar  
Simha, Shruti Vijaya  
Skeens, Heather Michelle  
Smith, Regina Lynn  
Smith, Richard Allen  
Snetman, Lawrence Amdur  
Sohn, Ivy Ellen  
Stalvey, Christopher Fenwick  
Stashenko, Gregg Joseph  
Stoune, Amy Annelle  
Stuckert, Jody Bovard  
Sunshine, Calamity Jane  
Taylor, Aaron Milford

Tinney, Qionna Mariel  
Urgo, Richard Charles  
Vass, Kimberly Rae  
Vora, Parul Vasant  
Vyas, Hema  
Walker, Courtney Allyson  
Wallace, Eric Lee  
Wallach, Adam Philip  
Waller, Elizabeth Reitman  
Waqas, Muhammad  
Whyte, Brian Roland  
Wilson, Amelia Pugh  
Wright, Nioke Paula  
Yamusah, Nadine Anne  
Yanchik, Lori Michelle  
Zervos, Emmanuel

**Reactivation**

Gorman, Alfred Carl  
Longarini, Ricardo  
Mittal, Yogesh

## **REVIEW (COMPLAINT) COMMITTEE REPORT**

Robert Moffatt, MD; George Saunders, MD; Michael Norins, MD; Sarvesh Sathiraju, MD

### **Interim Letter of Concern (ILOC)**

The Board approved the process for the Interim Letter of Concern (ILOC). Dr. Michael Sheppa (Office of Medical Director-OMD) clarified the process relating to the ILOC as follows: an ILOC is sent to a licensee when the Board desires that specific additional CME is necessary as a result of its review of a complaint, malpractice or investigation. Once the CME requirement is met the OMD will follow-up with a Private Letter of Concern (PLOC) regarding the particular aspects of the case that led to the Board's initial concern. The case is then closed by the staff. However, if the licensee does not complete the CME as requested the case will be brought back to the Board for further direction.

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.

The Disciplinary (Complaint) Review Committee reported on 82 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.

## **DISCIPLINARY (INVESTIGATIVE) COMMITTEE REPORT**

Janelle Rhyne, MD; Michael Norins, MD; Donald Jablonski, DO; Ralph Loomis, MD; John Lewis, JD

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 Disciplinary (Investigative) Committee reported on two 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.

## **ADJOURNMENT**

This meeting was adjourned on August 16, 2007.

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George L. Saunders III, MD  
Secretary