

Adverse Actions Report November 2020 – December 2020

The digital edition of the *Forum* presents a two-month report of recent adverse actions. This report does not include non-adverse action such as reentry agreements or relief of consent order obligations. To view all public actions, visit www.ncmedboard.org/BoardActions.

Name/license #/location	Date of action	Cause of action	Board action
ANNULMENTS			
NONE			
SUMMARY SUSPENSIONS			
KLAINER , Peter Scott, MD (201600315) Morehead City NC	11/13/2020	On or about November 4, 2020, MD was arrested and charged with nine felony counts of Sexual Exploitation of a Minor in the Second Degree.	Summary Suspension
REVOCATIONS			
NONE			
SUSPENSIONS			
BAHLEDA , Thomas Anthony, MD (201201782) Blowing Rock, NC	11/17/2020	MD has a history of alcohol use disorder and of relapses in his recovery. In August 2019, MD entered into a Non-Disciplinary Consent Order with the Board which required MD to maintain his current contract with NCPHP along with additional requirements. In August 2020, the Board was notified by NCPHP that MD admitted to drinking alcohol and was in violation of his NCPHP agreement and 2019 Consent Order and NCPHP withdrew their advocacy for MD to return to the practice of medicine. On August 20, 2020, MD requested that his license to practice medicine be inactivated.	Indefinite Suspension
FRANCZAK , Jenny Elizabeth, MD (000039803) Durham, NC	11/23/2020	MD has a history with the Board that includes	Indefinite suspension, immediately stayed

		<p>noncompliance with an agreed upon condition from her February 2018 Public Letter of Concern for which the Board imposed a fine and ordered MD to NCPHP for an assessment. MD underwent the assessment and signed a private, non-practice agreement with the Board agreeing not to practice medicine until she was cleared by the Board, but she later disputed the results. A second assessment was conducted and the center opined MD is "only" safe to practice medicine when implementing a treatment regimen which includes: professional monitoring with the NCPHP; individual psychotherapy; participation in support groups, and regular follow-up with her primary care physician.</p>	<p>with conditions.</p>
<p>LOWRY, Roswell Tempest, MD (000017882) Efland, NC</p>	<p>11/23/2020</p>	<p>In February 2020, MD was convicted in United States of America v. Roswell Tempest Lowry, M.D., in the United States District Court for the Southern District of West Virginia, Criminal Action No. 2:19-cr-00274, for interstate travel in aid of an unlawful activity, the distribution of controlled substances not for legitimate medical</p>	<p>Indefinite Suspension</p>

		purposes in the usual course of professional medical practice.	
MCGRATH , Timothy John, MD (200200571) Mebane, NC	11/09/2020	MD has a history of substance use disorder and of relapses in his recovery. On June 18, 2020, the Board was notified by NCPHP that MD tested positive for a controlled substance during a routine urine drug screen, in violation of his NCPHP agreement and December 2017 Consent Order. On June 26, 2020, MD requested that his license to practice medicine be inactivated.	Indefinite Suspension
SMITH , Ronald David, MD (200100466) Carolina Beach, NC	11/23/2020	MD has a history of substance abuse disorder. On February 20, 2020, MD signed a Medical Non-Practice Agreement with the Board based on concerns related to his relapse and substance use disorder. MD underwent both inpatient and intensive outpatient treatment between March and July 2020 and signed a new five-year monitoring agreement with NCPHP in June 2020. MD is in full compliance with his NCPHP agreement and NCPHP has opined that he can safely return to the practice of medicine.	2020 NPA dissolved; Indefinite suspension; immediately stayed with prescribing conditions.
VIRK , Zia Ullah, MD (200001444) Plano, TX	11/10/2020	Action based on the action of another state medical board. In May 2020, the	Indefinite suspension; stayed with conditions.

		Commonwealth of Kentucky Board of Medical Licensure entered into an Agreed Order with MD which restricted his Kentucky medical license for an indefinite period of time. During that period of time, MD was required to have a chaperone present at all times while treating female patients, maintain a log of all female patient encounters identifying the chaperone and successfully complete a boundaries course. This action was based on a grievance received by the Kentucky Board in November 2019 that alleged that during several office visits, MD engaged in multiple instances of inappropriate touching with one of his patients.	
LIMITATIONS/CONDITIONS			
NONE			
REPRIMANDS			
HOLLEMAN , James Bennett, Jr., MD (009800281) Tryon, NC	12/29/2020	On April 30, 2020, MD was exposed to a patient who was in isolation due to concerns regarding potential COVID-19. On May 4, 2020, MD was advised that the patient had tested positive for COVID-19 and was advised to, and subsequently did, get tested for COVID-19. On May 5, 2020, MD reported to work at a nursing care center, and upon entry, was	Reprimand

		<p>submitted to a screening process in which he was asked a series of questions, including if he had provided care at any facility that had positive cases of COVID-19. MD answered in the negative knowing that he had been in close contact with a patient who had tested positive for COVID-19. On May 7, 2020, MD was advised that he had tested positive for COVID-19. As a result of MD's actions, five employees of the nursing care center had to quarantine for 14 days and the nursing care center was inundated with family members concerned about patients in the nursing care center. No patients contracted COVID-19 from MD.</p>	
<p>PUGH, Carolyn Knowlton, PA-C (000103098) Greenville, NC</p>	<p>12/29/2020</p>	<p>Quality of care; PA practiced poor pharmacovigilance by her: general lack of adequate monitoring of high risk patients; concomitant prescribing of multiple controlled substances for patients with a history of substance use disorder; failure to utilize standard treatment for other psychiatric conditions; failure to appropriately monitor patients' compliance with her prescribing regimen; and treatment of patients with controlled</p>	<p>Reprimand with probationary prescribing conditions</p>

		substances for psychiatric diagnoses that were unsupported by documentation in the medical record.	
DENIALS OF LICENSE/APPROVAL			
NONE			
SURRENDERS			
NONE			
PUBLIC LETTERS OF CONCERN			
BOWLING , Jack Wayne, MD (009601239) Wilmington, NC	11/10/2020	Quality of care; The Board is concerned that MD failed to properly treat a patient who underwent a total knee arthroplasty. About six months post-surgery, the patient presented with a suspected infection, was treated with antibiotics, underwent a series of corrective procedures and ultimately required a third total knee replacement. The Board had MD's care of the patient reviewed by an independent medical expert who felt there was a delay in assessing the patient's symptoms six months after surgery and was also critical of MD's decision to perform an incision and drainage with exchange of the polyethylene liner rather than perform a total knee replacement. Further concerns resulted from a possible failure to confirm eradication of infection before a second total knee arthroplasty.	Public Letter of Concern
COLES , Maxime Jean-Marie, MD (201802221) Boca Raton, FL	12/08/2020	Action based on another state medical board	Public Letter of Concern

		<p>action. The North Carolina Board is concerned that the Board of Healing Arts of the State of Kansas publicly censured MD's Kansas medical license in a Final Order dated June 26, 2020. The Kansas Board found that MD violated section 65-2836 of the Kansas Statutes Annotated by leaving patient medical records at a property he no longer owned and failing to maintain medical records for ten years after a patient's last visit and also destroying some records in contravention of Kansas Administrative Regulation 100-24-2(a). Additionally, MD refused to provide information to the Kansas Board's investigator regarding the creation of destroyed medical records and the date of their destruction.</p>	
<p>FOWLKES, William Mortimer, MD (200201078) Sneads Ferry, NC</p>	11/09/2020	<p>The Board is concerned that the Colorado Medical Board issued MD a letter of admonition on April 17, 2020, regarding his care of an emergency department patient in Colorado.</p>	Public Letter of Concern
<p>GLASSMAN, Stuart Lewis, MD (000030812) Hendersonville, NC</p>	12/11/2020	<p>The Board is concerned that MD performed a laparoscopic appendectomy on a patient and indicated its removal in an operative report, but the surgical</p>	Public Letter of Concern

		<p>pathology report revealed fallopian tube and ovary tissue and no appendiceal tissue. The patient was discharged and developed recurrent abscesses and a difficult post-operative course. In June 2016, the patient was seen by another physician for recurrence of an abscess. In reviewing the patient's records, this physician recognized the discrepancy between the recorded history and the pathology report and performed a second laparoscopic appendectomy, successfully removing the patient's appendix.</p>	
<p>HAVAS, Jeremy D., DO (201000912) Windermere, FL</p>	<p>11/17/2020</p>	<p>Quality of care. The Board is concerned about the image interpretation that DO provided for a patient who had fallen in his home. DO interpreted the images as negative for acute trauma and made no note of the fall or need for immediate, further examination. The patient later presented to an emergency department where it was determined that he had broken his neck and required immediate surgery. During the surgery, the patient was found to have C4 through C5 partial dislocation and end plate fracture and spinal cord compression.</p>	<p>Public Letter of Concern</p>

		<p>The Board had DO's treatment of the patient reviewed by an independent medical expert who opined that DO "provided a very low information report" and incorrectly failed to note any acute findings. The reviewing expert was critical of DO's failure to recognize the findings typical of arthritis of spine, which put the patient at an increased risk for fracture. These red flags should have triggered DO to call the ordering provider to obtain additional clinical information and notify the provider of his findings.</p>	
<p>JURISICH, Steven Michael, MD (009300171) Sanford, NC</p>	<p>12/07/2020</p>	<p>The Board is concerned that in October 2015, a 36-year-old female was admitted to a hospital for surgical repair of incarcerated incisional hernias in which MD assisted. During the operation, the patient experienced an unexplainable hypotensive episode and was admitted to the hospital to recover and was placed on Lovenox by the primary surgeon to address any potential pulmonary embolism. On Postoperative Day 2, the patient developed hemodynamic instability and started to decline and ultimately died. The Board had the patient's</p>	<p>Public Letter of Concern</p>

		<p>medical records sent to a general surgery medical expert for review who had some concerns regarding MD's care. Specifically, the medical expert felt that MD should have been more attentive to the patient's declining status on Postoperative Day 2 and should have taken steps to diagnose intraabdominal hemorrhage in the patient.</p>	
<p>MESSEC, Harry Schnee, MD (009801392) Albuquerque, NM</p>	12/31/2020	<p>The Board is concerned that MD became the medical director and owner for a North Carolina chain of medical practices and urgent cares. Although MD was the "registered owner", the Board investigation showed MD was a straw owner who resided out-of-state and had little to no contact with the practice staff or patients and little to no role in the day-to-day operations and business dealings of the practice.</p>	Public Letter of Concern
MISCELLANEOUS ACTIONS			
<p>STEVENS, Craig A., MD (009700773) Apex, NC</p>	11/10/2020	<p>On or about November 5, 2020, MD was arrested by the Apex Police Department and charged with four counts of First degree sexual exploitation of a minor and two counts of Taking indecent liberties with children.</p>	Interim non-practice agreement; MD agrees that he will not practice medicine until such time as he is given permission to do so by the Board President.
<p>TURLINGTON, William Troy, MD (000036280) Clayton, NC</p>	11/25/2020	<p>On January 7, 2020, MD's staff privileges</p>	Consent order; MD to maintain his monitoring

		<p>were suspended at the hospital where he worked after he arrived at work and was suspected of alcohol impairment. The Board ordered MD to be evaluated by NCPHP and his diagnoses included alcohol use disorder (moderate). MD attended and successfully completed a residential treatment program from March 2020 to May 2020 and thereafter signed a five-year monitoring agreement with NCPHP. MD is in full compliance with his NCPHP monitoring agreement and NCPHP advocates MD as safe to practice medicine.</p>	<p>agreement with NCPHP and abide by all of its terms and conditions.</p>
CONSENT ORDERS AMENDED			
NONE			
TEMPORARY/DATED LICENSES: ISSUED, EXTENDED, EXPIRED, OR REPLACED BY FULL LICENSES			
NONE			
COURT APPEALS/STAYS			
NONE			
DISMISSALS			
NONE			