

### Adverse Actions Report September 2021 – October 2021

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](http://www.ncmedboard.org/BoardActions).

Name/license #/location	Date of action	Cause of action	Board action
<b>ANNULMENTS</b>			
<b>NONE</b>			
<b>SUMMARY SUSPENSIONS</b>			
<b>NONE</b>			
<b>REVOCATIONS</b>			
<b>NONE</b>			
<b>SUSPENSIONS</b>			
<b>CHARNOCK</b> , Brian Leslie, MD (000150432) Asheville, NC	09/07/2021	In March 2021, MD presented to his surgical residency under the influence of alcohol. MD reported to NCPHP and subsequently began ninety days of inpatient treatment for alcohol use disorder (severe). MD has successfully completed the inpatient treatment and returned to his residency under increased monitoring.	Indefinite suspension; stayed with conditions
<b>DAVIS</b> , James Wayne, MD (000980266) Siler City, NC	09/17/2021	The Board received information that MD was diverting Oxycodone, a schedule II controlled substance, that he prescribed for patients. The Board thereafter investigated and learned that MD has Opioid Use Disorder, had a relapse, and prescribed and diverted Oxycodone medications for at least four of his patients for his own personal use. MD inactivated his North Carolina medical license on March 23, 2021.	Indefinite suspension
<b>MENDES</b> , Celia Maria, MD (009501337) Fayetteville, NC	10/06/2021	In June 2020, the Board received information	90-day suspension followed by 90-day

		that MD had veterinary medications in her medical practice. MD denies the use of these medications on any patients. Additionally, on or about June 2020, MD permitted an out-of-state physician, who was not licensed to practice medicine in North Carolina, to perform cosmetic medical procedures on patients at her medical practice in Fayetteville, North Carolina.	practice limitations; MD to only practice benign gynecology.
<b>SMITH</b> , David Nathaniel, MD (200701837) Waxhaw, NC	10/20/2021	In July 2021, MD entered into a Consent Order with NCMB requiring him to participate in an executive coaching program and obtain a practice monitor for a group practice setting. His practice was restricted to a hospital setting or group practice setting, and it was further outlined that he should not own or operate his own practice or be the medical director of a practice. Additionally, he is excluded from being the primary supervising physician for any advance practice practitioner. In August 2021, MD requested that the July 2021 Consent Order be amended to provide clarification regarding his practice monitor requirement. The Amended Order states that the	License suspended for two years; stayed with terms and conditions

		requirement for a practice monitor and/or pre-approval of a hospital setting shall not apply to locum tenens cardiology assignments and/or call coverage for care provided in a locums setting.	
<b>VIRMANI</b> , Ashutosh, MD (000038567) Charlotte, NC	10/14/2021	MD, on occasion, made comments to patients and staff which were unprofessional in nature. The comments led to staff and patient representatives making complaints to administrative staff at MD's practice. MD was counseled and improved for a period of time, but subsequent complaints were made. Additionally, the Board is concerned that MD departed from the standard of care for several patients related to documentation, selection of medication, and monitoring of the sedating and respiratory effects of medications administered during a procedure. Other departures include not documenting the type of suction used for an evacuation (manual versus electric), not documenting dose and routes of medication administration, and relying on a poor-quality ultrasound for a surgical procedure.	Suspension for two years; stayed except for 30 days with practice conditions. MD shall successfully complete the ProBE course. MD shall arrange for an evaluation by the NCPHP. MD shall complete 10 Category I hours of CME on the topic of proper medical documentation. MD shall also complete CME of the topic of Office-Based Anesthesia for Abortion Providers. Lastly, a third-party chaperone must be readily available at all times during a physical examination, and a third party must be present when the licensee performs an intimate examination, regardless of the patient's gender.
<b>LIMITATIONS/CONDITIONS</b>			
<b>EVANS</b> , Michael Allen, MD (200001370) Clayton, NC	09/27/2021	MD has a history of substance use disorder	License reinstated with conditions via Consent

		with multiple relapses, his most recent being August 18, 2020. MD signed a five-year monitoring agreement with the North Carolina Professionals Health Program on October 16, 2020. In March 2021, MD entered into a Consent Order with NCMB in which his license was indefinitely suspended. On March 18, 2021, MD submitted his reinstatement application to the Board for a license to practice medicine. MD is in compliance with his NCPHP.	Order
<b>GRAHAM</b> , Charles Daniel, DO (202102893) Lewiston, ID	09/22/2021	In June 2020, DO arrived for his shift still impaired from consuming an excessive amount of alcohol the previous day and was removed from duty. DO submitted to and successfully completed treatment in October 2020. In November 2020, DO entered into a contract with the Idaho Physician Recovery Network (PRN). DO has applied for licensure in NC. In June 2021, DO was assessed by the NCPHP. On July 6, 2021, DO signed a Recovery Monitoring Agreement with NCPHP. DO is in compliance with his NCPHP agreement.	License issued via Consent Order; DO shall maintain his current agreement with NCPHP.
<b>GROSS</b> , Earl George, MD (009900855) Newville, PA	10/18/2021	MD was first issued a license to practice medicine 1999, and	Non-Disciplinary Consent Order; Restricted from clinical

		practiced Dermatology in Morehead City, NC. The Board has received information that MD may have an illness that affects his ability to safely practice medicine. MD has complied with all requests of the Board to undergo examinations or assessments and continues to address his current health issues.	practice
<b>KHOSLA, Nitin, MD (202102981)</b> Murfreesboro, TN	10/05/2021	MD has a prior history of inappropriate alcohol use beginning in 2012 when he consumed alcohol and operated a motor vehicle. On or about this time, MD applied for a Tennessee medical license, and the Tennessee Board of Medical Examiners required him to sign a five-year monitoring agreement with the Tennessee Medical Foundation ("TMF"), which he successfully complete in March 2018. In November 2018, MD relapsed, self-reported to the TN Board, and was ordered for inpatient treatment. In March 2019, MD signed another five-year monitoring contract with the TMF and is currently in good standing. MD applied for a license to practice medicine in North Carolina. In May 2021, MD met with NCPHP, and MD signed a monitoring agreement	license issued with conditions

		with NCPHP and is in compliance.	
<b>REPRIMANDS</b>			
<b>BOWMAN</b> , Karolen Ruth Church, MD (000021756) North Wilkesboro, NC	10/07/2021	On April 16, 2010, MD entered into a Consent Order with the Board in which she was reprimanded and ordered to no longer prescribe Schedule II, IIN, III, or IIIN medications to any patients aged 21 years and over for any reason. In July 2021, the United States Drug Enforcement Administration provided information to the Board that MD had prescribed controlled substances in violation of her 2010 Consent Order.	Reprimand
<b>PAPPACHEN</b> , Stephen Valiakalayil, MD (201901236) Lakeland, FL	10/07/2021	On March 11, 2021, MD entered into a Consent Order with the Florida Board of Medicine in which he was reprimanded. The Consent Order with the Florida Board arose from allegations that MD had prescribed an excessive amount of testosterone to a patient for which he did not examine or document an examination and failed to create or keep a legible medical record documenting the patient's treatment. Additionally, MD was restricted from prescribing, ordering, or delegating the prescription of testosterone and also required MD to	Reprimand

		complete a medical records course and three-hour continuing medical education course in Risk Management.	
<b>RAHULAN</b> , Vijil Komanthakkal, MD (201202216) Grandville, MI	10/29/2021	Action based on the action of another state medical board. On April 15, 2021, the Kansas State Board of Healing Arts entered a Summary Order in which MD was suspended, publicly censured, and assessed a \$1,000 civil fine. The Kansas Board Summary Order was based upon MD's failure to pay the annual surcharge to the Kansas Health Care Stabilization Fund (KHCSF) during the 2017-2018 and 2019-2020 periods, and MD's improper certification that such surcharges had been paid. On May 17, 2021, the Summary Order became a Final Order. MD's Kansas medical license is currently suspended as he remains out of compliance with the KHCSF statutory requirements.	Reprimand
<b>DENIALS OF LICENSE/APPROVAL</b>			
<b>LLIBRE</b> , Giovanni, MD (009900918) Seven Devils, NC	10/25/2021	The Board denied MD's application for licensure based on his alcohol use disorder, 2018 violation of NCPHP monitoring agreement and testing positive for alcohol consumption. In 2020 MD's license was indefinitely suspended	Denial of Licensure

		for an inappropriate sexual relationship with a female patient.	
<b>SURRENDERS</b>			
<b>DAISLEY</b> , Samuel Joseph, DO (200201236) Conneaut Lake, PA	10/05/2021	Action based on another state medical board action. The Pennsylvania State Board of Osteopathic Medicine accepted DO's Permanent Voluntary Surrender based on allegations that DO had consensual sexual affairs with two patients. On August 26, 2021, DO's license to practice medicine in North Carolina became inactive when he failed to register.	Surrender of NC medical license
<b>ZACHER</b> , Allan Norman, MD (000030531) Lake Junaluska, NC	09/07/2021		Voluntary surrender of license
<b>PUBLIC LETTERS OF CONCERN</b>			
<b>DAVIDSON</b> , Larry Steve, MD (009400460) Florence, SC	10/27/2021	The Board is concerned about multiple violations of MD's 2018 Consent Order. He has a history of alcohol use disorder and the Consent Order required, among other things, that MD abstain from the consumption of alcohol. In November 2020 he tested positive for alcohol and admitted to consuming alcohol in violation of his Consent Order. MD again tested positive for alcohol in April 2021. At the request of the Board, he inactivated his North Carolina medical license in May 2021. As a result, MD is required to apply for reinstatement in the	Public Letter of Concern



		future.	
<b>PEER</b> , Peter McKinley, DO (201201019) Saginaw, MI	09/22/2021	Action based on another state medical board. NCMB is concerned that on April 1, 2021, DO entered into a Consent Order and Stipulation with the Michigan Board in which he was assessed a \$3,000.00 fine. The Michigan Consent Order was based on concerns that DO failed to provide appropriate care to four patients.	Public Letter of Concern
<b>SCHECODNIC</b> , Heidi Lee, MD (200701703) Wake Forest, NC	10/07/2021	The Board is concerned that MD entered into an agreement in 2017 with a company to provide telemedicine services that included assessments for durable medical equipment. In 2019 and 2020, MD treated patients after they were triaged via telephone without performing a physical examination, and in some circumstances, ordered durable medical equipment. The Board had MD's care of patients reviewed by an independent medical expert who opined that MD's care fell below the standard of care. Specifically, the reviewing expert did not think MD performed a complete and thorough history and physical examination during the telemedicine appointment before prescribing durable medical equipment.	Public Letter of Concern

<b>SCHESCHUK</b> , Joseph Peter, MD (201801176) New Albany, OH	10/12/2021	Quality of care; In January 2019, DO performed a surgery in which he was to harvest bone from the patient to reconstruct his elbow. During surgery, the DO became disoriented to the regional anatomy and erroneously harvested bone graft from the wrong place which ultimately caused postoperative complications. The Board had DO's care reviewed by an independent medical expert who opined DO failed to adequately identify the ilium as opposed to the sacrum and failed to recognize the regional anatomy during the surgery. The reviewing expert also criticized DO's failure to utilize fluoroscopy or enlarge the dissection, which could have assisted with confirming the anatomical landmarks needed to avoid the injury that occurred.	Public Letter of Concern
<b>TERRY</b> , Anna R., MD (201501264) Raleigh, NC	09/08/2021	Quality of care; The Board is concerned that MD failed to perform the proposed surgery she had outlined for her patient thus requiring additional surgery.	Public Letter of Concern
<b>MISCELLANEOUS ACTIONS</b>			
<b>BURKHEAD</b> , Margaret Kelly, MD (200700808) Raleigh, NC	09/23/2021	MD has a history of alcohol use disorder with multiple relapses, her most recent being on January 27, 2020. MD has renewed her	License reinstated with conditions via Consent Order. MD shall maintain her current agreement with NCPHP and abide by its terms.

		commitment to recovery and extended her monitoring agreement with NCPHP until January 28, 2025. On May 4, 2021, MD submitted her reinstatement application to the Board. MD is in compliance with her NCPHP agreement.	
<b>CONSENT ORDERS AMENDED</b>			
<b>NONE</b>			
<b>TEMPORARY/DATED LICENSES: ISSUED, EXTENDED, EXPIRED, OR REPLACED BY FULL LICENSES</b>			
<b>NONE</b>			
<b>COURT APPEALS/STAYS</b>			
<b>NONE</b>			
<b>DISMISSALS</b>			
<b>NONE</b>			