

North Carolina Medical Board

Quarterly Board Actions Report | May 2017 - July 2017

The Board actions listed below are published in an abbreviated format. The report does not include non-prejudicial actions such as reentry agreements and non-disciplinary consent orders. A complete listing of recent Board actions is available at www.ncmedboard.org/BoardActions.

Name/license #/location	Date of action	Cause of action	Board action
ANNULMENTS			
NONE			
SUMMARY SUSPENSIONS			
NONE			
REVOICATIONS			
NONE			
SUSPENSIONS			
ACOSTA, Daniel, MD (200100499) Washington, NC	05/24/2017	Boundary violations; the Board received information that MD engaged in personal relationships with two patients who were under his psychiatric care. The Board received information that MD also pursued and made sexual overtures to additional patients who were under his care. MD denies all allegations.	Indefinite suspension of NC medical license
FERNANDEZ, Sander, MD (201401596) Winter Garden, FL	05/09/2017	Boundary violation; MD attempted to inappropriately touch and kiss two female hospital staff members.	MD's NC medical license is suspended for a period of 24 months, all but 180 days of which is stayed. The period of active suspension shall begin 30 days from the date of this order. MD shall also pay an administrative fine of \$5,000 and shall submit himself for a comprehensive assessment by Acumen Assessments or a comparable assessment center approved by the Board. MD must schedule this assessment within 14 days of the date of this order.
GERLACH, David Campbell, MD (9500591) Greensboro, NC	06/15/2017	MD violated NCPHP contract from December 2014 Consent Order by testing positive for controlled substances in May 2017; History of alcohol and substance abuse.	Indefinite suspension of NC medical license
HOWARD, Chad Daniel, MD (200200125) Elizabeth City, NC	06/26/2017	MD was arrested for DWI in October 2016. MD reported to NCPHP and was referred for a comprehensive assessment, which indicated MD suffers from severe Substance Use Disorder (alcohol). MD presented for inpatient treatment and voluntarily surrendered his medical license in December 2016.	Indefinite suspension of NC medical license
LOVIN, Jeffrey Douglas, MD (39641) Bakersfield, CA	06/05/2017	Action taken based on another state medical board action; The Colorado medical board took action against MD in July 2016 based on findings that MD 1. Failed to report multiple charges, arrests and a conviction for spousal battery in California; 2. Failed to report his release from his position with his employer due to alleged inaccuracies in radiology reports and reports of inappropriate behavior; and 3. Provided substandard care to multiple patients.	MD's NC medical license is suspended but immediately stayed; MD must comply with the terms of his CO order.
PHILLIPS, Timothy John, PA (103731) Fort Bragg, NC	07/12/2017	PA admitted to self-prescribing opioids using the identity and DEA number of a colleague. PA was suspended from patient care, contacted NCPHP for an assessment and was referred for treatment, which he successfully completed in March 2017. PA was approved to return to work in an administrative capacity with a gradual assumption of clinical duties.	PA's license suspended for 120 days; the period of active suspension ran from October 20, 2016, until February 17, 2017. PA must maintain contract with NCPHP and abide by all terms.

BOARD ACTIONS

Name/license #/location	Date of action	Cause of action	Board Action
SHUCK, Linda Michele, DO (200500550) Dobson, NC	05/24/2017	DO violated the terms of a Dec. 6, 2016, interim partial non-practice agreement wherein DO agreed not to prescribe controlled substances. DO continued to prescribe controlled substances to some of her patients after Dec. 6, 2016.	DO's license is suspended for six months. The period of active suspension shall run from June 23, 2017, until December 23, 2017. DO may return to active practice on December 24, 2017, subject to the provisions contained in the order that specify that DO shall not prescribe controlled substances in any outpatient settings.
PROBATION/CONDITIONS			
HEADEN, Kenneth Jay, MD (9400266) Greensboro, NC	06/09/2017	Quality of care; Inadequate record keeping and billing; Failure to adequately follow standards of care for practice in NC	Indefinite suspension, stayed; MD must complete an assessment with the Center for Personalized Education for Physicians (CPEP) and follow all recommendations for remedial education.
POLLEY, Dennis Charles, DO (000027881) Wilson, NC	07/12/2017	DO had installed security cameras in the public areas of his practice facilities, including hallways, administrative offices, at the front entrance, and in parking areas, as well as in his practice's examination rooms. DO stated this was done to document the appropriateness of his interactions with patients and staff. However, a patient complained about the practice.	DO is hereby prohibited from using any video transmission or recording devices in examination rooms or any area where patients may disrobe or get dressed. DO is expected to attend and successfully complete the Problem-based Ethics (ProBE) course offered by Center for Personalized Education for Physicians (CPEP) within six months of the effective date of this Consent Order and shall submit evidence of completion to the Board.
VERDIN, (III), Thomas Marion, MD (200901427) Calabash, NC	05/15/2017	Quality of care; overuse of antibiotics	MD must obtain a competency assessment to be conducted by Affiliated Monitors Assessment. MD must enroll as a participant with Affiliated Monitors within 30 days of the date of this order and complete all aspects of the assessment within six months of the date of the order. Finally, MD shall follow all recommendations made by Affiliated Monitors and complete all remediation within one year of the date of this order.
REPRIMANDS			
BUNT, Theodore James, MD (201300816) Ferguson, NC	07/25/2017	In January 2017, the Board received information regarding a medical malpractice lawsuit settlement payment related to the care MD provided a patient. A medical expert reviewer opined that MD's diagnosis, treatment, records, and overall management of a patient were below accepted standards of care. Specifically, MD failed to adequately diagnose and aggressively treat a patient's symptomatic, ruptured abdominal aortic aneurysm despite evidence of life-threatening condition.	Reprimand
RICH, Preston Berkeley, MD (200000952) Chapel Hill, NC	06/26/2017	MD displayed unprofessional conduct by engaging in two inappropriate dating relationships with resident trainees who had previously been under his supervision.	Reprimand; Within six months of the order, MD must complete the Problem-based Ethics (ProBE) course offered by the Center for Personalized Education for Physicians (CPEP).
THORP, (Jr.), John Mercer, MD (000029877) Chapel Hill, NC	07/25/2017	Board felt MD displayed unprofessional conduct and failed to conform to accepted standards of medical practice by allowing a NP under MD's supervision to prescribe Suboxone to patients for substance use disorder using his DEA number and DATA 2000 Waiver. MD also failed to conduct required quality assurance. These actions constitute violations of a law involving the practice of medicine.	Reprimand; \$500, to be paid within six months of date of Consent Order. MD must meet monthly for 12 consecutive months following the date of Consent Order with all PA and NP staff he supervises for quality assurance meetings pursuant to 21 NCAC 32S .0213 and 21 NCAM 32M .0110. Meetings should be documented and available for Board review if requested. MD shall complete his certification with the American Society of Addiction Medicine within 12 months of the date of the order.

BOARD ACTIONS

Name/license #/location	Date of action	Cause of action	Board action
WARONSKY, Roy George, PA (102512) Charlotte, NC	06/09/2017	Quality of care; PA practiced poor pharmacovigilance by failing to examine pain generators in patients before prescribing controlled substances to patients with addiction issues. In addition, PA prescribed controlled substances excessively.	Reprimand
DENIALS OF LICENSE/APPROVAL			
NONE			
SURRENDERS			
ALBRIGHT, Elizabeth Rae Bakisae, PA (001004908) Fayetteville, NC	06/14/2017		Voluntary surrender of PA License
GERLACH, David Campbell, MD (009500591) Greensboro, NC	05/17/2017		Voluntary surrender of NC medical license
MCGRATH, Timothy John, MD (200200571) Greensboro, NC	05/02/2017		Voluntary surrender of NC medical license
PARKER, James Edward, MD (000031350) Birmingham, AL	05/02/2017		Voluntary surrender of NC medical license
PUBLIC LETTERS OF CONCERN			
ATILLA, Mehmet Aydin, MD (009700180) Key West, FL	07/18/2017	The Board is concerned that MD's treatment of a patient who presented with severe, persistent headache did not conform to accepted standards of care in NC. MD did not perform a typical neurological exam. The expert reviewing MD's case found that MD failed to perform a lumbar puncture and repeat imaging or seek Neurology input for patient. Patient ultimately had a CT scan of her head which showed a right temporal lobe hematoma (intracranial hemorrhage). Patient was then airlifted to a tertiary care center and had clipping of brain aneurysm/hematoma removal and ventriculoperitoneal shunt placement.	Public Letter of Concern
DAHNER, Laurence Earl, MD (27151) Chapel Hill, NC	06/01/2017	Quality of care issue; surgical site error	Public Letter of Concern
DASTOUS, Linh, MD (201701289) Hendersonville, NC	05/30/2017	Action taken by another state medical board; The Board is concerned that MD was publicly reprimanded by the South Carolina State Board of Medical Examiners for prescribing Adipex to two employees and a family member without proper documentation.	Public Letter of Concern
FERNZ, Miriam Minu, MD (9600530) Whiteville, NC	06/01/2017	MD allowed a PA under her supervision to begin performing clinical tasks prior to submitting a mandatory Intent to Practice form with the Board.	Public Letter of Concern
HECKMAN, Eric Christopher, PA (001004006) Charlotte, NC	06/29/2017	Quality of care issue; PA prepared the wrong extremity for surgery.	Public Letter of Concern
LEE, Chee Yan, MD (201701148) Daytona Beach, FL	05/15/2017	Action taken by another state medical board; The North Carolina Board is concerned about actions taken by the Florida Board of Medicine, including a 2006 action related to MD's pre-signing of prescription blanks and a 2014 action related to allegations that MD forged the signature of a fellow physician to obtain two non controlled medications for personal use.	Public Letter of Concern
NICOLINI, Jennifer Croutcher, MD (200400722) Arden, NC	07/18/2017	The Board is concerned that MD wrote a controlled substance prescription for an immediate family member in May 2016, which is prohibited by administrative rule 21 NCAC 32B .1001.	Public Letter of Concern
PITTS, Venus Idette, MD (009900644) Durham, NC	05/25/2017	The Board is concerned about MD's association with a chiropractor, Jeffrey Hodges, DC, who operated several medical practices in North Carolina under the name Superior Healthcare. As a general rule, with few exceptions – none of which are applicable in MD's situation – a business entity that engages in the practice of medicine must be owned by a physician. MD's association with Mr. Hodges may have aided and abetted the unlicensed practice of medicine.	Public Letter of Concern

Name/license #/location	Date of action	Cause of action	Board action
ROBERTS, Virginia Salyer, MD (21163) Asheville, NC	06/29/2017	MD retired from active practice in 2000 and inactivated her license in January 2017 with no plans to return to medicine. The Board is concerned that MD issued prescriptions, including two prescriptions for controlled substances, to herself from November 2014 until October 2016. Prescribing controlled substances to oneself or to family members is prohibited by administrative rule 21 NCAC Rule 32B .1001.	Public Letter of Concern
MISCELLANEOUS ACTIONS			
HARRIS, (Jr.), John Joel, MD (32114) Wilmington, NC	06/15/2017	MD suffers from a medical condition, which if left untreated, renders him unable to practice medicine with reasonable skill and safety to patients.	Interim Non-Practice Agreement; MD will be given a ten-day wind down period, beginning on June 14, 2017, and extending until June 24, 2017.
LEINWEBER, (Jr), Clinton Henry, MD (201200595) Greenville, NC	05/04/2017	On March 16, 2017, MD was charged with three felony counts arising from alleged irregularities regarding controlled substances. MD denies all charges.	Interim Non-Practice Agreement
CONSENT ORDERS AMENDED			
NONE			
TEMPORARY/DATED LICENSES: ISSUED, EXTENDED, EXPIRED, OR REPLACED BY FULL LICENSES			
NONE			
COURT APPEALS/STAYS			
NONE			
DISMISSALS			
NONE			



Glossary of Terms

Annulment: Retrospective and prospective cancellation of the practitioner’s authorization to practice.

Conditions: Actions or requirements a licensee must complete and/or comply with as a condition of licensure.

Consent Order: An order of the Board that states the terms of a negotiated settlement to an enforcement case; A method for resolving a dispute without a formal hearing.

Denial: Decision denying an application for licensure, reinstatement, or reconsideration of a Board action.

Dismissal: Board action dismissing a contested case.

Inactive Medical License: Licenses must be renewed annually in NC. The Board may negotiate a provider’s agreement to go inactive as part of the resolution of a disciplinary case.

Public Letter of Concern (PubLOC): A public record expressing the Board’s concern about a practitioner’s behavior or performance. A public letter of concern is not considered disciplinary in nature; similar to a warning.

Revocation: Cancellation of authorization to practice. Authorization may not be reissued for at least two years.

Stay: Full or partial stopping or halting of a legal action, such as suspension, on certain stipulated grounds.

Summary Suspension: Immediate cancellation of authorization to practice; Ordered when the Board finds the public health, safety, or welfare requires emergency action.

Suspension: Withdrawal of authorization to practice, either indefinitely or for a stipulated period of time.

Temporary/Dated License: A License to practice for a specific period of time. Often accompanied by conditions contained in a Consent Order.

Voluntary Surrender: The practitioner’s relinquishing of authorization to practice pending or during an investigation. Surrender does not preclude the Board bringing charges against the practitioner.

Limitation: A restriction placed on a licensee’s practice. When practicing under a restriction, it is not lawful for the licensee to engage in the prohibited activity. Example: Dr. Smith is restricted from prescribing Schedule II and III medications.