

**NORTH CAROLINA MEDICAL BOARD**  
**Board Orders/Consent Orders/Other Board Actions**  
**September-October 2009**

**DEFINITIONS**

**Annulment:**

Retrospective and prospective cancellation of the practitioner's authorization to practice.

**Conditions:**

A term used to indicate restrictions, requirements, or limitations placed on the practitioner.

**Consent Order:**

An order of the Board stating an agreement between the Board and the practitioner regarding the annulment, revocation, suspension, or surrender of authorization to practice, or the conditions placed on authorization to practice, or other action taken by the Board relative to the practitioner. (A method for resolving a dispute without a formal hearing.)

**Denial:**

Decision denying an application for practice authorization or reconsideration of a Board action.

**Dismissal:**

Board action dismissing a contested case.

**Inactive Medical License:**

To be "active," a medical license must be registered on or near the physician's birthday each year. By not registering his or her license, the physician allows the license to become "inactive." The holder of an inactive license may *not* practice medicine in North Carolina. Licensees will often elect this status when they retire or do not intend to practice in the state. (Not related to the "voluntary surrender" noted below.)

**NA:**

Information not available or not applicable.

**NCPHP:**

North Carolina Physicians Health Program.

**Public Letter of Concern:**

A letter in the public record expressing the Board's concern about a practitioner's behavior or performance. Concern has not risen to the point of requiring a formal proceeding but should be known by the public. If the practitioner requests a formal disciplinary hearing regarding the conduct leading to the letter of concern, the letter will be vacated and a formal complaint and hearing initiated.

**Reentry Agreement**

Arrangement between the Board and a practitioner in good standing who is "inactive" and has been out of clinical practice for two years or more. Permits the practitioner to resume active practice through a reentry program approved by the Board to assure the practitioner's competence.

**RTL:**

Resident Training License. (Issued to those in post-graduate medical training who have not yet qualified for a full medical license.)

**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 withdrawal of authorization to practice prior to the initiation of further proceedings, which are to begin within a reasonable time. (Ordered when the Board finds the public health, safety, or welfare requires emergency action.)

**Suspension:**

Withdrawal of authorization to practice for a stipulated period of time or indefinitely.

**Temporary/Dated License:**

License to practice for a specific period of time. Often accompanied by conditions contained in a Consent Order. May be issued as an element of a Board or Consent Order or subsequent to the expiration of a previously issued temporary license.

**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. (Not related to the "inactive" medical license noted above.)

## **ANNULMENTS**

NONE

## **REVOICATIONS**

### **ANDERSON, Eric Andres, PA-C**

Location: Charlotte, NC (Mecklenburg Co)

License #: 0001-02798

Cause: Mr. Anderson was convicted of a felony in People of the State of Michigan v. Eric Andres Anderson, for Medicaid fraud and obtaining a controlled substance by fraud.

Action: 09/23/2009. Entry of revocation.

### **COFFMAN, Donald Ralph, MD**

Location: Norlina, NC (Warren Co)

License #: 0000-16272 | Specialty: GP (as reported by physician)

Cause: Dr. Coffman was convicted of a felony in State of North Carolina vs. Donald Ralph Coffman, for unlawful disbursement of controlled substances by practitioner.

Action: 09/28/2009. Entry of revocation.

### **HAQUE, Ehteshamul, MD**

Location: Norfolk, VA

License #: 0095-00929 | Specialty: IM (as reported by physician)

Cause: Dr. Haque was convicted of a felony in Commonwealth of Virginia v. Ehteshamul Haque, for two counts of prescription fraud and one count of possession of Schedule IV controlled substance with intent to distribute.

Action: 09/02/2009. Entry of revocation.

### **STOWELL, Steven Douglas, MD**

Location: Cranberry Township, PA

License #: 0097-01607 | Specialty: R (as reported by physician)

Cause: Dr. Stowell was convicted of a felony in The Commonwealth of Pennsylvania vs. Steven Douglas Stowell, for conspiracy/violation of the Controlled Substance, Drug Device & Cosmetic Act by Practitioner.

Action: 10/28/2009. Notice of revocation.

## **SUSPENSIONS**

*See Consent Orders:*

**ABRAHAM, Kurian Chiramel, MD**

**BLACKWOOD, Hilary Susan, NP**

**CARRUTHERS, Adam Michael, PA**

**CLINTON, Robert Allen, Jr., MD**

**DRAGO, Paul Carl, MD**

**NOLAN, Clyde, Jr, MD**

**ROLLINS, Curtis Edward, MD**

## **SUMMARY SUSPENSIONS**

### **SWARNER, David Reynolds, MD**

Location: Washington, NC (Beaufort Co)

License #: 0094-00655 | Specialty: IM (as reported by physician)

Cause: Irresponsible, excessive and below-standard prescribing of narcotic medications without proper attention to diagnostic tests, documentation and consultation with other physicians and the patients themselves to prevent risk to the health and safety of patients. A Board review found that 56 percent of Dr. Swarner's prescriptions over a seven-month period were for narcotic controlled substances. Expert reviewers described his charting and documentation as "indecipherable" and "incoherent."

Action: 10/09/2009. Summary suspension of NC medical license.

## ***CONSENT ORDERS***

### **ABRAHAM, Kurian Chiramel, MD**

Location: Morganton, NC (Burke Co)

License #: 2001-00821 | Specialty: P (as reported by physician)

Cause: Dr. Abraham failed to mention an April 1998 guilty plea to Level 5 DWI on his NC medical license application, which he submitted in May 2001. In July 2001, when appearing before a panel of the Board to discuss his application, Dr. Abraham falsely answered “No” when asked whether he had ever been convicted of any crime other than a minor traffic violation. On January 1, 2005, Dr. Abraham was arrested and charged with driving while under the influence in Burke County. On November 2, 2005, he was convicted of a Level 2 DWI. In November 2008, the Board received information about Dr. Abraham’s 2005 DUI. A Board investigator interviewed Dr. Abraham and inquired about both the 2005 and 1998 DWI convictions. Dr. Abraham initially denied the existence of the 1998 conviction. He later contended that he relied on the advice of local counsel in responding to this question.

Action: 10/08/2009. Consent order executed: Dr. Abraham’s license is suspended for six months. The suspension is immediately stayed, except for a period of 30 days to begin on December 1, 2009, and end on December 31, 2009. Dr. Abraham is placed on probation for six months from the date of this consent order.

### **BLACKWELL, Michael Aldred, MD**

Location: North Wilkesboro, NC (Wilkes Co)

License #: 0095-00290 | Specialty: OB/GYN (as reported by physician)

Cause: The Board received a report from Wilkes Regional Medical Center in August 2007 that indicated Dr. Blackwell’s privileges to perform laparoscopic surgery had been suspended the previous month. A review of patient records found that Dr. Blackwell transferred a patient when she was unstable, that Dr. Blackwell did not obtain the assistance of other physicians to assist in stabilizing the patient prior to transfer and that poor communication between Dr. Blackwell and the emergency department physician may have interfered with patient care.

Action: 09/10/2009. Consent order executed: Dr. Blackwell is reprimanded.

### **BLACKWOOD, Hilary Susan, NP**

Location: Durham, NC (Durham Co)

License #: 0096-0053

Cause: Ms. Blackwood engaged in numerous instances of prescribing medications to coworkers and family members of coworkers without establishing a nurse practitioner-patient relationship. She also prescribed to herself and her own family members. Ms. Blackwood allowed coworkers who did not have prescriptive authority to access her signature stamp and pre-signed prescription blanks so that these coworkers could write routine post-operative prescriptions. In addition, Ms. Blackwood on occasion allowed registered nurses to examine patients for her. She would then bill those patients’ health insurers as though the patients were seen by her. Ms. Blackwood contends she did not understand the implications of submitting bills in this manner and notes that she did not receive any personal benefit from this practice.

Action: 10/22/2009. Consent order executed: Ms. Blackwood’s approval to practice as a nurse practitioner is suspended for 18 months, but the suspension is immediately stayed. She must comply with conditions, including meeting with her supervising physician at least monthly for 12 months for quality improvement meetings. She must also complete CME in prescribing.

### **BROOKS, Werner Commodore, MD**

Location: Hendersonville, NC (Henderson Co)

License #: 0097-01705 | Specialty: OS (as reported by physician)

Cause: Dr. Brooks plead guilty on April 10, 2008, to misdemeanor charges of assault on a female and communicating threats. In conjunction with the plea, he has attended counseling and classes in anger management.

Action: 09/08/2009. Consent order executed: Dr. Brooks is reprimanded.

### **CARRUTHERS, Adam Michael, PA**

Location: Gastonia, NC (Gaston Co)

License #: 0001-03109

Cause: Mr. Carruthers’ practice received a complaint from a patient regarding Mr. Carruthers accepting returns of

unused control substances from a patient. At the direction of his practice, Mr. Carruthers self-reported the incident to the Board. He admitted that when changing patients' prescriptions, he requested patients, without knowledge or authorization of his supervising physician, to return unused narcotic medications to him. He did not always meet patients in the office when medications were returned, and he contends that he would dispose of the medications by flushing them down the toilet. Mr. Carruthers did not always document the return of unused medication in the patient's chart, nor their disposal, nor did he inform his supervising physician of what he was doing, nor did he have a witness to the disposal as required by federal law. Mr. Carruthers voluntarily ceased practice in March 2009 and agreed with the Board that he would not practice until it concluded its investigation.

Action: 10/30/2009. Consent order executed. Mr. Carruthers' PA license is suspended for ninety days from July 1, 2009 to September 30, 2009. Within six months of the date of the consent order, he shall attend a continuing medical education course on ethics. Within two months of the consent order, he shall submit himself to and cooperate with an independent medical exam to determine his fitness to practice. Must comply with conditions.

**CLINTON, Robert Allen, Jr., MD**

Location: Fayetteville, NC (Cumberland Co)

License #: 2005-00848 | Specialty: FM (as reported by physician)

Cause: Dr. Clinton engaged in a romantic relationship with a former patient. He performed cosmetic surgical procedures on persons related to him. In November 2008, Dr. Clinton misrepresented his identity to a pharmacy in order to accelerate the filling of a valid prescription for himself. The Board has raised concerns about cosmetic surgery treatments performed by Dr. Clinton. Dr. Clinton has provided evidence of favorable patient surgical results and peer-reviewed literature in support of the safety and efficacy of these treatments. Dr. Clinton voluntarily stopped practicing medicine on May 29, 2009.

Action: 10/22/2009. Consent order executed: Dr. Clinton's license is suspended for four months, to begin retroactively from May 29, 2009, the date he voluntarily relinquished his license, and to end September 29, 2009. Dr. Clinton shall not practice cosmetic surgery.

**DOHERTY, Dennis Christopher, DO**

Location: Atlanta, GA

License #: 0000-30548 | Specialty: Anesthesiology (as reported by physician)

Cause: Dr. Doherty has a license to practice medicine in Georgia. In October 2008 the Georgia Board entered an order of summary suspension against Dr. Doherty's medical license. In September 2008, he treated a patient with a lumbar epidural steroid injection utilizing I.V. sedation. When the patient's oxygen level dropped according to the oxygen saturation monitor, Dr. Doherty continued with the elective procedure, suggesting the monitor was in error. After a second monitor indicated the same result, Dr. Doherty again continued with the elective procedure. Dr. Doherty ordered and administered sedation reversal agents to the patient, but the patient failed to awaken. He did not call an ambulance for a significant period of time following the procedure. As of October 22, 2008, the patient failed to regain consciousness.

Action: 10/28/2009. Consent order executed. Dr. Doherty's North Carolina license to practice medicine is limited for three years to run concurrently with the limitations imposed by the Georgia Board. Must comply with conditions.

**DRAGO, Paul Carl, MD**

Location: Charlotte, NC (Mecklenburg Co)

License #: 0097-00531 | Specialty: Plastic & Reconstructive Surgery/OTR (as reported by physician)

Cause: In spring of 2008, Dr. Drago began experiencing symptoms of numbness and tingling in his hands and feet. During the same period, he was self-treating with testosterone, which he ordered and prescribed for himself, although it had previously been prescribed for him by other physicians. In June 2008, Dr. Drago went to a neurologist for an evaluation, but no explanation of his symptoms was found. Later in 2008, Dr. Drago became concerned his symptoms might be interfering with his ability to perform surgery and stopped operating while he underwent further testing. During the time Dr. Drago was being evaluated and had ceased operating, the Board received numerous complaints from Dr. Drago's patients, who complained about the results of cosmetic surgeries performed by Dr. Drago and about the follow-up care that he provided. The Board had 10 of these complainants' medical records reviewed by an outside expert, who concluded that the care of eight of the 10 patients failed to conform to accepted standards of care in North Carolina. On March 5, 2009, the Board summarily suspended Dr. Drago's license.

Action: 09/18/2009. Consent order executed: Dr. Drago's license is indefinitely suspended.

**FREEMAN, Tyler Ira, MD**

Location: Charlotte, NC (Mecklenburg Co)

License #: 0000-25706 | Specialty: IM/Occupational & Environmental Medicine (as reported by physician)

Cause: The Board indefinitely suspended Dr. Freeman's license on October 19, 2005. The suspension was terminated by a subsequent consent order dated February 23, 2007. Dr. Freeman underwent neuropsychological testing on September 7, 2007, that indicated Dr. Freeman was capable of working as a medical review officer. Dr. Freeman thereafter provided the Board with a letter dated August 10, 2009, that opined that Dr. Freeman was capable of practicing medicine part-time as a medical review officer and of receiving telephone calls that concern testing procedure.

Action: 09/18/2009. Consent order executed: Dr. Freeman shall work for Global Labs as a certified medical review officer not more than 20 hours per week. He shall not perform any disability evaluations and his work shall be limited to receiving and handling telephone calls that concern testing procedure. Dr. Freeman shall obtain prior approval from the Board before beginning any employment other than the aforementioned position.

**FRUEH, Walter William, MD**

Location: Wilmington, NC (New Hanover Co)

License #: 2005-00820 | Specialty: OS/adult reconstructive surgery (as reported by physician)

Cause: Between September 2006 and July 2008, Dr. Frueh wrote three or four prescriptions for Adderall as well as antibiotics for a close family member and failed to maintain a medical record. The family member now receives treatment from another physician.

Action: 09/21/2009. Consent order executed: Dr. Frueh is reprimanded.

**GABRIEL, Pamela Simone, MD**

Location: Las Vegas, NV

License #: 0098-01270 | Specialty: GP (as reported by physician)

Cause: Between July and October 2008 the Board sent three letters to Dr. Gabriel at her last known address requesting information regarding five malpractice payments made on her behalf. The Board never received a response from Dr. Gabriel by the due date contained in the letter. On October 6, 2008, prior to sending the third letter to Dr. Gabriel, the Board called and left her a message. The following day, she returned the call and said she would be sending a response; however, the Board never received a response. In November and December 2008 the Board sent an email and called Dr. Gabriel requesting a response to the malpractice payments, and again, no response was ever provided. On April 2, 2009, the Board issued a Notice of Charges and Allegations against Dr. Gabriel for failing to respond to a Board inquiry within a reasonable time. Subsequent to the Notice of Charges and Allegations, Dr. Gabriel retained counsel to represent her and has made good faith efforts to comply with the Board's inquiry and furnish the Board with responsive information.

Action: 10/28/2009. Consent order executed. Dr. Gabriel is reprimanded.

**HEDRICK, William Weston, MD**

Location: Raleigh, NC (Wake Co)

License #: 0000-10830 | Specialty: FP/Psychiatry (as reported by physician)

Cause: A Board review identified serious deficiencies with Dr. Hedrick's patient charts, including cursory examinations and poor documentation. Dr. Hedrick also failed to properly code his treatment of patients.

Action: 10/05/2009. Consent order executed: Dr. Hedrick is reprimanded.

**KERR, John Martin, MD**

Location: Bedford, VA

License #: 0000-33851 | Specialty: GS (as reported by physician)

Cause: While practicing in Elizabeth City, NC, Dr. Kerr failed to timely and accurately diagnose a bowel obstruction in a previously healthy 16-year-old patient who presented to him in January 2007 with severe abdominal pain. An independent expert reviewer opined that Dr. Kerr's care of the patient fell below accepted standards and delayed taking the patient to the operating room, which contributed to the patient's death. In a second case, Dr. Kerr treated a 78-year-old female who presented with abdominal pain. He removed the patient's appendix; a pathology report on the removed specimen showed adipose tissue but no appendix. In April 2009 Dr. Kerr voluntarily inactivated his NC medical license.

Action: 9/18/2009. Consent order executed: Dr. Kerr's NC medical license shall remain on inactive status.

**KOTZEN, Rene Marlon, MD**

Location: Brooklyn, NY

License #: 2002-00937 | Specialty: Neurological Surgery (as reported by physician)

Cause: In November 2006 Dr. Kotzen performed L4/L5 surgery on a patient complaining of lumbar problems. During surgery, Dr. Kotzen felt the patient had a dural AV fistula, but did not address the dural AV fistula during a subsequent operation. Dr. Kotzen performed a minimally invasive L4/L5 microlumbar discectomy on another patient complaining of back, hip and leg pain. The patient continued to experience pain and foot drop after surgery. Dr. Kotzen performed several additional surgeries to address this patient's spinal instability. Records kept by Dr. Kotzen for this patient are found to be incomplete and fail to address factors leading to various surgical decisions. A reviewing expert for the Board questioned several decisions made by Dr. Kotzen regarding the need for the operations and the methods used during surgeries. Dr. Kotzen also prescribed several controlled substances to a close family member and failed to maintain a medical record of treatment or prescribing to that family member. He admitted self prescribing for a long-term chronic illness for which he is not under the treatment of a physician. Action: 9/8/2009. Consent order executed. Dr. Kotzen's license to practice medicine and surgery is hereby voluntarily surrendered.

**NOLAN, Clyde, Jr, MD**

Location: Greensboro, NC (Guilford Co)

License #: 0000-23067 | Specialty: Dermatology (as reported by physician)

Cause: In June 2002 Dr. Nolan failed to renew his NC medical license and it became inactive. In May 2003 he entered into a consent order that reinstated his license retroactively to June 2002. In March 2008, he failed to renew again and his license was made inactive. Dr. Nolan continued to practice part-time with an inactive license until September 2009 at which time he ceased practicing medicine. Also, in April 2006 Dr. Nolan performed a "Thermage" dermatologic procedure on a patient and did not provide the patient with adequate informed consent with regard to the risks and alternatives with respect to the procedure.

Action: 9/18/2009. Consent order executed. Dr. Nolan's license is reinstated retroactively to March 18, 2008. His license is suspended for one year effective September 21, 2009. The suspension is stayed except for a six month active suspension beginning September 21, 2009, to March 21, 2010

**ORTEGA, Agnes Lynett, MD**

Location: Decatur, AL

License #: 0099-00972 | GYN (as reported by physician)

Cause: Dr. Ortega failed to register her license in a timely manner in 2007 and her license was made inactive on October 9, 2007. She has requested her license be retroactively reactivated to October 9, 2007.

Action: 10/1/2009. Consent order executed. The Board will retroactively reactivate Dr. Ortega's NC medical license to October 9, 2007. Dr. Ortega is reprimanded.

**ROLLINS, Curtis Edward, MD**

Location: Winston Salem, NC (Forsyth Co)

License #: 2005-01895 | Specialty: Psychiatry (as reported by physician)

Cause: In December 2005 Dr. Rollins entered into a consent order with the Board based on information that he had a history of substance abuse and dependency and a history of criminal drug-related convictions. He was required to maintain and abide by a contract with NC Physicians Health Program and to report to the Board the use of mind or mood altering drugs. In September 2008, Dr. Rollins prescribed a controlled substance to a person with whom he had a significant emotional relationship and in October/November he diverted the controlled substance to himself. In February 2009 the Board, unaware he violated the consent order, relieved him of his consent order with the Board. He surrendered his license after the Board found he tested positive for a controlled substance.

Action: 9/9/2009. Consent order executed. Dr. Rollins' NC medical license is suspended indefinitely.

**ROSENBERG, Larry Evans, MD**

Location: Asheville, NC (Buncombe Co)

License #: 0000-34446 | Specialty: FM (as reported by physician)

Cause: After receiving complaints and reviewing Dr. Rosenberg's medical records of several patients, the Board was concerned about his prescribing practices. Dr. Rosenberg inherited numerous patients being treated for chronic pain after the death of his practice partner. The Board received a medical examiner's report for one of Dr. Rosenberg's patients stating she died of "acute fentanyl toxicity." Dr. Rosenberg reported to the Board on the day before the

patient's death that the patient reported her prescription was stolen and that she needed a refill. Dr. Rosenberg voluntarily surrendered his DEA privileges for all Schedule II, III, and IV controlled substances after meeting with a Board investigator and the DEA.

Action: 9/8/2009. Consent order executed. Dr. Rosenberg shall not apply to reinstate his DEA privileges indefinitely.

**SHAYER, Robin Michelle, PA**

Location: Jamestown, NC (Forsyth Co)

License #: 0010-02028

Cause: Ms. Shaver previously held a NC registered nurse license. She admits that from July 1996 to July 1997 she had a problem with substance abuse and entered into the NC Board of Nursing's Alternative Drug Monitoring Program and was treated for chemical dependency. In February 1999, she surrendered her nursing license with the NC Board of Nursing. In February 2000, her RN license was reinstated with conditions. Ms. Shaver met with the NC Medical Board in November 2008 to discuss her application to practice as a physician assistant.

Action: 9/21/2009. Consent order executed. Ms. Shaver is issued a license to practice as a physician assistant. She shall refrain from using all mind or mood altering substances and alcohol. Must comply with conditions.

**STONE, Todd Iverson, PA**

Location: Hendersonville, NC (Henderson Co)

License #: 0001-02282

Cause: Mr. Stone is co-medical director of Aesthetics Medical Spa, LLC. The Board reviewed several records indicating patients received cosmetic procedures from a registered nurse without receiving a proper physical exam and medical evaluation. From January 2008 to August 2008, Mr. Stone unintentionally aided and abetted the unlicensed practice of medicine by providing medical services through his medical spa which was co-owned and operated by a person not licensed by the Board. Once informed by a Board investigator that his business may not be in compliance, Mr. Stone took immediate steps to come into compliance with NC law and meet Board expectations.

Action: 9/18/2009. Consent order executed. Mr. Stone is issued a public letter of concern.

**SWARNER, David Reynolds, MD**

Location: Washington, NC (Beaufort Co)

License #:0094-00655 | Specialty: IM (as reported by physician)

Cause: In October 2008 the Board received information from several local pharmacists concerned over the high amount of narcotics Dr. Swarner prescribed to his patients. The Board obtained a report of his prescribing practices which indicated 56 percent of prescriptions issued over seven months were for narcotic controlled substances. The Board submitted medical records of six of Dr. Swarner's patients for expert review and the expert concluded that Dr. Swarner's prescribing and documentation of patient care did not conform to the appropriate standard of care. Dr. Swarner was unwilling to surrender his license. In October 2009 the Board entered into an order of summary suspension of his license. Dr. Swarner disagreed with the Board's actions and took steps to appeal the Board's ruling.

Action: 10/16/2009. Interim consent order executed. The summary suspension of Dr. Swarner's license is dissolved and his NC medical license is restricted. He shall not prescribe medications deemed controlled substances under the Controlled Substances Act.

**WEISS, Juli Stone, MD**

Location: Gastonia, NC (Gaston Co)

License #: 0000-34199 | Specialty: Anesthesiology (as reported by physician)

Cause: Dr. Weiss has a license to practice medicine in West Virginia. In March 2009 she entered into a consent order with the Virginia Board of Medicine in which her license to practice medicine in West Virginia was reinstated with conditions.

Actions: 10/23/2009. Consent order executed. Dr. Weiss' NC medical license is subject to her compliance with the terms and conditions in the West Virginia Board's consent order.

**MISCELLANEOUS ACTIONS**

**BLISS, Laura Katherine, MD**

Location: Efland, NC (Orange Co)

License#: 0095-00018 | Specialty: FP (as reported by physician)

Cause: Dr. Bliss entered into a consent order in October 2007, further amended December 2008, placing conditions on her NC medical license. Her consent order states she shall not work more than 40 hours per week. Dr. Bliss petitioned the Board for an amendment on her work restriction.

Action: 9/3/2009. Amended consent order. Dr. Bliss shall not work more than 40 hours per week, plus an additional maximum of fifteen hours per week for one night per week of phone triage call only.

**FERNZ, Miriam Minu, MD**

Location: Whiteville, NC (Columbus Co)

License #: 0096-00530 | Specialty: IM (as reported by physician)

Cause: Dr. Fernz entered into a consent order with the Board in April 2009. Dr. Fernz was reprimanded and required to take a CME course in medical record keeping. Dr. Fernz has complied with the consent order by completing the CME requirement.

Action: 10/29/2009. Order. The Board orders that Dr. Fernz is relieved of all obligations contained in the consent order.

**GLAESNER, Edward Julian, NP**

Location: Raleigh, NC (Wake Co)

Approval #: 0000-20187

Cause: Mr. Glaesner entered into a consent order with the Board in January 2008. The consent order stated that his primary supervising physician must co-sign all entries into Mr. Glaesner's patient charts within seven days of the entry. After 90 days Mr. Glaesner may petition the Board for permission to modify this requirement. In November 2008 Mr. Glaesner requested he be relieved of this requirement.

Action: 9/1/2009. Amended consent order. Mr. Glaesner's supervising physician is relieved of the requirement to co-sign all entries in Mr. Glaesner's patient charts within seven day of their entry. Must comply with conditions.

**GREENBERG, Richard Paul, MD**

Location: Charlotte, NC (Mecklenburg Co)

License #: 0097-01758 | Specialty: NA

Cause: On August 17, 2006, the Board and Dr. Greenberg entered into an amended consent order allowing him to perform laser hair removal and other minor cosmetic procedures and to supervise others who perform these same procedures. In order to clarify the amended consent order the Board wishes to further amend the consent order to specify the procedures that Dr. Greenberg shall perform.

Action: 10/12/2009. Order. Dr. Greenberg shall only perform those cosmetic procedures and supervise others performing cosmetic procedures that are listed on Attachment A of the order.

**LOWE, James Edward, Jr, MD**

Location: Fayetteville, NC (Cumberland Co)

License #: 0000-37887 | Specialty: PS (as reported by physician)

Cause: In 1996 Dr. Lowe's NY medical license was revoked because he engaged in fraud in the practice of medicine, submitted false reports, failed to maintain adequate records and was guilty of moral unfitness in the practice of medicine. In June 1997, the NCMB entered an order indefinitely suspending Dr. Lowe's license, and staying the suspension, issuing him a temporary license. The Board later issued him a full license in January 2000. In October 2007 the Board indefinitely suspended Dr. Lowe's license and found he failed to adequately record information in his patients' records and that he billed for procedures that were not supported by the medical records.

Action: 10/22/2009. Findings of fact, conclusions of law and final order. Dr. Lowe's application for a license to practice medicine is denied.

**LOZEVSKI, Jonathan Leonid, MD**

Location: Wilson, NC (Wilson Co)

License #: 2006-00451 | Specialty: Radiology (as reported by physician)

Cause: Dr. Lozevski's practice of medicine is subject to the terms and conditions of a consent order dated August 21, 2009. The consent order prohibits Dr. Lozevski from 'moonlighting,' or practicing medicine outside of his residency or fellowship training programs. Dr. Lozevski petitioned the Board for an amendment to this restriction.

Action: 10/19/2009. Amended consent order. Dr. Lozevski is complying with the terms and conditions of his current consent order. The Board has ordered to lift the conditions regarding 'moonlighting,' however, the remainder of his consent order remains in full force and effect.



**McGHEE, James Ernest, MD**

Location: Charlotte, NC (Mecklenburg Co)

License #: 0094-00578 | Specialty: FP (as reported by physician)

Cause: In July 2007, Dr. McGhee surrendered his NC medical license. In January 2008, he entered into a consent order with the Board which indefinitely suspended his medical license. In January 2009, he applied for reinstatement of his license. The Board considered Dr. McGhee's application and personally interviewed him on July 16, 2009.

Action: 10/2/2009. Order. The Board dissolved the indefinite suspension in the January 2008 consent order and reinstated Dr. McGhee's NC medical license on July 17, 2009. The terms and conditions of the previous consent order no longer remain in effect and Dr. McGhee is relieved of any continuing obligations of the consent order except that it remains a public document.

**ROGERS, Bruce Williams, MD**

Location: Beulaville, NC (Duplin Co)

License #: 0000-32563 | Specialty: FP (as reported by physician)

Cause: Dr. Rogers' practice of medicine is subject to the terms and conditions of a consent order dated December 14, 2005. The consent order specifically states he may not prescribe controlled substances in Schedules II, II-N, III or III-N. Dr. Rogers petitioned for an amendment to the prescribing restrictions. He has entered into and complied with a contact with NCPHP.

Action: 10/29/2009. Amended consent order. The prescribing restrictions for Dr. Rogers are lifted. The December consent order remains in full force and effect.

**UWAGERIKPE, Louis Almiro, MD**

Location: Valdosta, GA

License #: 2009-01783 | Specialty: FM (as reported by physician)

Cause: On his application for a NC medical license, Dr. Uwagerikpe answered 'No' when asked if he had "ever been charged, convicted of, pled guilty to, pled no contest to, or received a prayer for judgement for a violation of federal, state or local law." He was charged with a misdemeanor in Indiana, which was later dismissed. Dr. Uwagerikpe also failed to pass Step 1 of the USMLE on the first six attempts between 1994 and 1997. He did pass the Step 1 on his seventh attempt in June 1998. Dr. Uwagerikpe successfully completed his residency program and obtained board certification in family practice by the American Board of Medical Specialties.

Action: 09/22/2009. Non-disciplinary consent order. Dr. Uwagerikpe is issued a license to practice medicine and surgery. He agrees to maintain his board certification in family practice. Must comply with conditions.

**WELLS, James Shelton, MD**

Location: Hillsborough, NC (Orange Co)

License #: 0000-22990 | Specialty: Psychiatry (as reported by physician)

Cause: Dr. Wells treated Patient A for a variety of conditions over a long period of time. He continued to treat Patient A for three years after her move out of state without Patient A being seen by a psychiatrist, although Dr. Wells encouraged her to do so. Dr. Wells should have insisted upon the patient's transition to a physician in her locality within six months and ceased prescribing for her by the end of that time.

Action: 09/18/2009. Non-disciplinary consent order. Dr. Wells agrees that when patients move and cannot continue to see him he will promptly transition such patients to other caregivers. He shall attend a CME course on prescribing medications within six months of the date of the consent order.

**VAUGHAN, Howell Anderson, PA**

Location: Cary, NC (Wake Co)

License #: 0001-01513

Cause: Mr. Vaughan has a history of abusing hydrocodone. In December 1993 he surrendered his PA license and entered into a consent order on conditions related to his substance abuse. In a modified consent order dated May 7, 1997, the Board reinstated his PA license. He surrendered his license again in October 1999 after relapsing in his recovery. He entered into a consent order with the Board in August 2000 and again relapsed in August 2001. On February 5, 2003, Mr. Vaughan entered into a consent order with the Board that required him to maintain a contract with NCPHP. He agreed to surrender his controlled substance registration to the USDEA. Mr. Vaughn reports he has been involved in a recovery program and has been sober since August 2001. He has demonstrated that he has completed a program of reentry and his sustained recovery is commended by NCPHP.

Action: 09/02/2009. Amended consent order and reentry agreement. Mr. Vaughan is issued an unrestricted PA license and his probation is terminated. He shall have a supervising physician onsite with him at all times. He shall maintain a contract with NCPHP until January 2010. Must comply with conditions.

***DENIALS OF RECONSIDERATION/MODIFICATION***

NONE

***DENIALS OF LICENSE/APPROVAL***

**MAJOR, Ishmeal, MD**

Location: Jacksonville, FL

License #: NA | Specialty: Neurology (as reported by physician)

Cause: Dr. Major provided false information on his application for a NC license. He did not disclose that he had surrendered his Florida medical license and agreed never to reapply, that he was placed on probation during his postgraduate training residency and that he was arrested, convicted and fined for three counts of fraudulent checks in 1998.

Action: 10/20/2009. Denial letter. Dr. Major's application for a NC medical license is denied.

*See Miscellaneous Actions:*

**James Edward Lowe, Jr., MD**

***SURRENDERS***

**CALDWELL, Chad Cameron, PA**

Location: Winston-Salem, NC (Forsyth Co)

License #: 00103163

Action: 08/27/2009. Voluntary surrender of NC physician assistant license

**COOK, Raymond Dwight, MD**

Location: Raleigh, NC (Wake Co)

License #: 0099-00195 | Specialty: Otorhinolaryngology (as reported by physician)

Action: 9/15/2009. Voluntary surrender of NC medical license

**RIVERA-ORTIZ, Epifanio, MD**

Location: Charlotte, NC (Mecklenburg Co)

License #: 0099-00123 | Specialty: FM (as reported by physician)

Action: 09/28/2009. Voluntary surrender of NC medical license

*See consent orders:*

**KOTZEN, Rene Marlon, MD**

***PUBLIC LETTERS OF CONCERN***

**BERRY, Michael Brandon, MD**

Location: Greenville, NC (Pitt Co)

License #:2005-01463 | Specialty: Radiology (as reported by physician)

Cause: The Board reviewed a claim payment made on Dr. Berry's behalf to a patient in December 2008. In July 2008 Dr. Berry performed an incorrect procedure on a patient resulting in the patient having to resume dialysis until he/she could receive another kidney transplant a month later. Dr. Berry has instituted systematic practice changes to prevent a recurrence of this type of mistake.

Action: 9/22/2009. Public letter of concern issued.

**BOWER, Edward Birch, MD**

Location: Monroe, NC (Union Co)

License #: 0000-21453 | Specialty: GS (as reported by physician)

Cause: The Board is concerned that Dr. Bower failed to appropriately diagnose and treat a patient referred to him in June 2005. Dr. Bower failed to perform an appropriate exam and adequately assess mammograms brought to him by the patient.

Action: 10/8/2009. Public letter of concern issued.

**CHANG, Paul Siu-Chang, MD**

Location: Asheville, NC (Buncombe Co)

License #: 0000-31120 | Specialty: IM (as reported by physician)

Cause: The Board is concerned Dr. Chang improperly supervised two PAs and a registered nurse in the performance of cosmetic procedures. The Board found patients did not receive an appropriate physical exam or medical evaluation prior to receiving the cosmetic procedure. Dr. Chang failed to recognize that these procedures were being done without a proper exam or medical evaluation and that the standard of care was not met.

Action: 9/28/2009. Public letter of concern issued.

**DUNCAN, Richard Dean III, MD**

Location: Durham, NC (Durham Co)

License #: 0098-00519 | Specialty: OBGYN (as reported by physician)

Cause: The Board is concerned that a payment was made on Dr. Duncan's behalf in resolution of a claim arising out of his possible failure to recognize the seriousness of the fetal heart rate problems in a patient's infant near the end of labor. He may have failed to move toward completion of delivery of the patient's infant as soon as circumstances dictated.

Action: 9/8/2009. Public letter of concern issued.

**ESENSOY, Taner MD**

Location: Fayetteville, NC (Cumberland Co)

License #: 0096-01603 | Specialty: Pediatrics (as reported by physician)

Cause: The Board is concerned regarding Dr. Esensoy's treatment of a newborn diagnosed with kernicterus. The infant's bilirubin levels were not properly monitored by serum or transcutaneous measurements after obtaining a bilirubin level of 14 at 56 hours after birth. The expert who reviewed Dr. Esensoy's treatment opined that such testing should have been performed and, if they had been, then phototherapy could have been started, possibly avoiding the complications that ensued.

Action: 09/04/2009. Public letter of concern issued.

**HOMESLEY, Howard David, MD**

Location: Greenville, NC (Pitt Co)

License #: 0000-15495

Cause: Dr. Homesley did not order additional imaging studies pre-operatively, nor consider diagnostic laparoscopy as a possible operative intervention for patient A. In patient B's operative colonic injury, Dr. Homesley did not pursue further evaluation of her fever and amount of postoperative radiographic free air.

Action: 10/28/2009. Public letter of concern issued.

**HUNT, John Robinson, MD**

Location: Anderson, SC

License #: 0000-18415

Cause: In regards to the care of patient A, the Board is concerned that Dr. Hunt did not perform appropriate follow-up procedures in the patient presenting for a first colonoscopy. The Board is also concerned that his records were incorrect.

Action: 9/28/2009. Public letter of concern issued.

**IMAM, Naiyer, MD**

Location: Roanoke, VA

License #: 2005-00428 | Specialty: Diagnostic Radiology (as reported by physician)

Cause: In March 2005, Dr. Imam misinterpreted a CT scan on patient A, and failed to diagnose the extent of the patient's thoracic aortic disease. The Board is concerned the misinterpretation of the patient's CT scan may have fallen below the standard of care.

Action: 9/8/2009. Public letter of concern issued.

**LEWIS, Karl Chester, MD**

Location: Lebanon, VA

License #: 2000-00520 | Specialty: FP (as reported by physician)

Cause: Dr. Lewis entered into an agreement with the West Virginia Board of Medicine to keep his West Virginia medical license on inactive status based on the findings that he was convicted of driving while impaired in 2008. The NC Medical Board is aware of two previous arrests for driving while impaired in the late 1980s. Dr. Lewis' NC license has been inactive since February 2007. The Board advises Dr. Lewis that should he seek reactivation of his NC license, the Board may use the West Virginia action when determining whether to grant him reactivation of his NC license.

Action: 10/15/2009. Public letter of concern issued.

**McEWEN, Luther Morris III, MD**

Location: Charlotte, NC (Mecklenburg Co)

License #: 0000-17399 | Specialty: Psychiatry (as reported by physician)

Cause: Dr. McEwen treated a patient for several psychiatric conditions from October 2003 until October 2008. The Board is concerned Dr. McEwen's treatment of the patient did not consist of an appropriate treatment plan and that his charting of medications was inadequate and difficult to interpret.

Action: 9/23/2009. Public letter of concern issued.

**MEYER, Paul Frederick, MD**

Location: Lexington, NC (Davidson Co)

License #: 0000-39034 | Specialty: FP (as reported by physician)

Cause: Dr. Meyer failed to adequately supervise a physician assistant.

Action: 9/8/2009. Public letter of concern issued.

**ROGERS, Anita Ellen, PA**

Location: Youngsville, NC (Franklin Co)

License #: 0010-01703

Cause: Dr. Rogers diverted Adderall for his own personal use and prescribed to his significant other.

Action: 10/20/2009. Public letter of concern issued.

**SIRINTRAPUN, Sahussapont Joseph, MD**

Location: Winston Salem, NC (Forsyth Co)

License #: 2009-01877 | Specialty: Pathology (as reported by physician)

Cause: Dr. Sirintrapun provided an incorrect answer on his application for a NC medical license. He did not disclose that he was placed on probation during his medical residency despite being asked the question whether he had any action taken against him, including being placed on probation, by any health care institution.

Action: 10/21/2009. Public letter of concern issued.

**SMITH, Erastus Jr., MD**

Location: Sanford, NC (Lee Co)

License #: 0000-21313 | Specialty: IM (as reported by physician)

Cause: Dr. Smith did not properly inform his patients of his intention to close his practice. As outlined in the Board's position statement "Departures or closings of medical practices," Dr. Smith failed to give sufficient notice to his patients to enable patients to secure alternate care and receive copies of their medical records.

Action: 9/2/2009. Public letter of concerned issued.

***COURT APPEALS/STAYS***

NONE

***CONSENT ORDERS LIFTED***

NONE

***TEMPORARY/DATED LICENSES:***

***ISSUED, EXTENDED, EXPIRED, OR REPLACED BY FULL LICENSES***

**HENSLER, Rachel Hurst, PA**

Location: Wilmington, NC (New Hanover Co)

License #: 001000107

Action: 07/16/2009. Full physician assistant license issued.

**MORALES, Sergio Eli, MD**

Location: Greenville, NC (Pitt Co)

License #: 200900131 | Specialty: EM (as reported by physician)

Action: 07/16/2009. Dated medical license issued to expire 11/30/2009.

*See Consent Orders:*

**SHAVER, Robin Michelle, PA**

***DISMISSALS***

NONE

***REENTRY AGREEMENTS***

**BRIDGER, Jennifer Rahn, PA-C**

Location: Raleigh, NC (Wake Co)

License #: 0001-02966

Cause: Ms. Bridger has not actively practiced as a PA since 2005 and acknowledges the need to complete a program of reentry.

Action: 09/09/2009. Program of reentry executed. Ms. Bridger shall undertake a plan of reentry that shall consist of a period of mentoring by Dr. John Jennings and Dr. Elizabeth Holt.

**DeCHERNEY, George Stephen, MD**

Location: Chapel Hill, NC (Orange Co)

License#: 2009-01722 | Specialty: IM (as reported by physician)

Cause: Dr. DeCherney has not actively practice as a physician since 2000 and acknowledges the need to complete a program of reentry.

Action: 09/15/2009. Program of reentry executed. Dr. DeCherney shall undertake a program of reentry that shall consist of a period of mentoring by Dr. John B. Buse.

**O'DELL, Kevin Bruce, MD**

Location: Kings Mountain, NC (Cleveland Co)

License #: 0000-39312 | Specialty: EM (as reported by physician)

Cause: Dr. O'Dell has been out of practice for just over two years. A consent order dated July 6, 2009, reinstating his license, requires him to submit a reentry plan to the Board for approval.

Action: 09/23/2009. Program of reentry executed. Dr. O'Dell's reentry plan is approved. He shall have a physician, approved by the Board's medical director, act as a preceptor and observe his practice of medicine for the first four months following his resumption of practice. Must comply with conditions.

**SMITH, Erich Waverly, PA**

Location: New Bern, NC (Craven Co)

License #: 0001-02048

Cause: Mr. Smith has not practiced as a PA since December 1996 and acknowledges the need to complete a program of reentry.

Action: 10/26/2009. Program of reentry executed. Mr. Smith shall undertake a program of reentry that shall consist of a period of mentoring by Dr. William Cromer.