

NORTH CAROLINA MEDICAL BOARD
Board Orders/Consent Orders/Other Board Actions
SEPTEMBER - OCTOBER 2010

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

SUMMARY SUSPENSIONS

NONE

REVOICATIONS

NONE

SUSPENSIONS

AUSLEY, Mett Begley, Jr., MD

Location: Whiteville, NC (Columbus Co)

License #: 0000-38004 | Area of practice: Pathology (as reported by physician)

Cause: In March 2010, Dr. Ausley self-reported to the Board that on March 12 he had been charged with a DWI and having an open alcohol container in his vehicle. Dr. Ausley has a history of alcohol dependence and has been stopped and/or charged with DWIs on three other occasions. When Dr. Ausley was a teenager, he pled guilty to damage to real property. In 1981, Dr. Ausley pled guilty to careless and reckless driving that arose out of a charge of DWI. In 1989, Dr. Ausley answered "No," when asked had he "ever been convicted of or plead guilty to a violation of a federal, state or local law other than minor traffic violations?" Such answer was inaccurate as evidenced by his prior convictions. The Board notes that Dr. Ausley did disclose the damage to real property charge on his 2008 and 2009 license renewal which was submitted to the Board prior to its investigation. On May 27, 2010, Dr. Ausley voluntarily ceased practicing medicine and contacted NC Physicians Health Program for treatment and counseling because of his alcohol dependence. He completed inpatient treatment and continues outpatient treatment and relapse prevention counseling. Dr. Ausley is in full compliance with his NCPHP contract.

Action: 10/05/2010. Consent order executed. Dr. Ausley's medical license is indefinitely suspended. The suspension is immediately stayed except for a period of 60 days. The period of active suspension is deemed served and satisfied as a result of the time that Dr. Ausley spent in residential inpatient treatment for alcohol dependence. He shall maintain a contract with NCPHP.

DAY, Robert Glynn, MD

Location: Madison, NC (Madison Co)

License #: 2005-00933 | Area of practice: Family Medicine (as reported by physician)

Cause: Dr. Day was providing medical services to patients referred to him by two online referral services that offered to connect patients with physicians. Dr. Day was paid by the online service after they collected money for the medical services he provided and retained some of the fee payments for themselves. Neither of the online referral services was owned by a physician licensed in NC. Dr. Day's arrangement constitutes the illegal and unethical payment for referrals and fee-splitting, as well as aiding and abetting the corporate practice of medicine. A review by the Board of patient medical records for patients referred to Dr. Day by the online referral service indicated that many of the patients were from states other than NC, or from distant locations in NC. Many of the patients had complaints of chronic pain and were seeking narcotic pain medication. The review also indicated that Dr. Day performed insufficient examinations of these patients prior to prescribing them controlled substances. The Board has also investigated complaints made by a former employee of Dr. Day regarding his patient care and office practices.

Action: 10/15/2010. Consent order executed. Dr. Day's NC medical license is suspended for one year effective the date of the consent order. All but one month of the suspension is stayed upon probationary terms and conditions.

JUSTIN, Rodney K., MD

Location: Woodleaf, NC (Rowan Co)

License #: 0000-19172 | Area of practice: Occupational medicine (as reported by physician)

Cause: Dr. Justin self-reported to the Board that on February 24, 2009, he was criminally charged with not properly filing and paying his income tax returns for 2001-2004. On August 26, 2009, a federal jury found Dr. Justin guilty of

four counts of Willful Failure to File a Tax Return and four counts of Endeavoring to Impede the Administration of the Internal Revenue Laws.

Action: 09/07/2010. Dr. Justin's NC medical license is suspended for 12 months. The suspension is immediately stayed.

GERLACH, David Campbell, MD

Location: Burlington, NC (Alamance Co)

License #: 0095-00591 | Area of practice: NA

Cause: In January 2010, the NC Medical Board received information that Dr. Gerlach had been arrested for felony possession of cocaine. Dr. Gerlach voluntarily surrendered his NC medical license on January 26, 2010. The charge of felony possession of cocaine was dismissed in July 2010.

Action: 10/04/2010. Consent order executed. Dr. Gerlach's NC medical license is indefinitely suspended.

KENNEDY, Joan Margaret, NP

Location: Columbus, NC (Polk Co)

License #: 0002-01589

Cause: Ms. Kennedy worked as a Nurse Practitioner at Carolina Medical Multi-Care and Rehabilitation Center in Columbus, NC. Ms. Kennedy was supervised at the practice by Dr. Carol A. Kooistra. Carolina Medical treats a large number of patients for chronic pain with narcotics and also utilizes many diagnostic tests for patients, including musculoskeletal ultrasounds. Ms. Kennedy would occasionally use results of musculoskeletal ultrasounds for patients of the practice, but did not personally perform the ultrasounds. Ms. Kennedy's supervising physician, Dr. Kooistra, indicated to a Board investigator that she was not qualified to order or interpret musculoskeletal ultrasounds because she never received training in this field of medicine. Because of this, Dr. Kooistra was unqualified to supervise an NP ordering, performing and interpreting these diagnostic tests. The Board reviewed several charts of patients who received musculoskeletal ultrasounds at Carolina Medical. For each patient, an outside reviewer found that the ultrasounds were utilized in a manner that was unreasonable and that the tests were reviewed by a non-radiologist. Carolina Medical is managed by a management service that is owned by a licensed chiropractor. The chiropractor's practice is located in the same building as Carolina Medical. Carolina Medical pays the chiropractor/manager a management fee after the management company compensates the licensed health care providers a set fee. The chiropractor/manager refers his own chiropractic patients to Carolina Medical for musculoskeletal ultrasound testing. Ms. Kennedy does not have ownership interest in Carolina Medical but is an NP-employee of the practice.

Action: 10/15/2010. Consent order executed. Ms. Kennedy's approval to practice is suspended for 12 months; such suspension is stayed on conditions.

KNOWLES-JONAS, Lynde Leigh, MD

Location: Burlington, NC (Alamance Co)

License #: 0098-00935 | Area of practice: OB/GYN (as reported by physician)

Cause: Dr. Knowles-Jonas prescribed controlled substances to family members over an extended period of time, in conflict with a Board Position Statement that cautions against treating family members.

Action: 10/15/2010. Consent order executed: Dr. Knowles-Jonas's NC medical license is suspended for 45 days to begin on January 1, 2011, and end on February 14, 2011. Following the completion of her suspension, Dr. Knowles-Jonas's license shall be placed on probation for six months. She must comply with conditions, including completing CME in medical record keeping and in prescribing medications.

KOOISTRA, Carol Antonsen, MD

Location: Columbus, NC (Polk Co)

License #: 0000-38641 | Area of practice: Vascular Neurology (as reported by physician)

Cause: Dr. Kooistra is the sole shareholder of Carolina Medical Multi-Care and Rehabilitation Center. Dr. Kooistra supervised two NPs at Carolina Medical. She treats a large number of patients for chronic pain with narcotics and also utilizes many diagnostic tests, including musculoskeletal ultrasounds. On occasion, the two NPs would order and conduct musculoskeletal ultrasounds for patients of the practice, and one NP, Joan Margaret Kennedy, NP,

would interpret the ultrasounds. Dr. Kooistra indicated to a Board investigator that she is unqualified to order, perform or interpret musculoskeletal ultrasounds because she never received training in this field of medicine. Because of this, Dr. Kooistra was unqualified to supervise an NP ordering, performing and interpreting these diagnostic tests. The Board reviewed several charts of patients who received musculoskeletal ultrasounds at Carolina Medical. For each patient, an outside reviewer found that the ultrasounds were utilized in a manner that was unacceptable and unreasonable, that the tests were reviewed by a non-radiologist and that because the patients had received other diagnostic imaging studies for their presentations, the musculoskeletal ultrasounds appeared to be performed more for billing purposes than in the best interests of the patients. Carolina Medical is managed by a management service that is owned by a licensed chiropractor. The chiropractor's practice is located in the same building as Carolina Medical. Carolina Medical pays the chiropractor/manager a management fee after the management company compensates the licensed health care providers a set fee. The chiropractor/ manager refers his own chiropractic patients to Carolina Medical for musculoskeletal ultrasound testing.

Action: 10/15/2010. Consent order executed. Dr. Kooistra's license is suspended for 12 months; such suspension is stayed on conditions. Dr. Kooistra shall pay the Board a fine in the sum of \$5,000.

PALMERTREE, Katherine Knight, MD

Location: Charlotte, NC (Mecklenburg Co)

License #: 0098-01431 | Area of practice: Hospitalist (as reported by physician)

Cause: Dr. Palmertree presented prescriptions for hydrocodone, clonazepam and zolpidem (all controlled substances) to pharmacies in the Charlotte area. The prescriptions were in the names of Dr. Palmertree's family members. Dr. Palmertree diverted the hydrocodone to herself. She also prescribed controlled substances to family members and without maintaining a patient chart. Dr. Palmertree suffers from chemical addiction. She has entered into a contract with NCPHP and has received inpatient treatment.

Action: 09/24/2010. Consent order executed: Dr. Palmertree's NC medical license is indefinitely suspended.

SCHOEN, Martin William, MD

Location: Jacksonville, NC (Onslow Co)

License #: 2008-01382 | Area of practice: NA

Cause: On April 10, 2009, Dr. Schoen obtained two prescription medications at a pharmacy, Flonase nasal spray and Actiq lollipops, by forging another physician's signature and having them filled in the name of a person other than Dr. Schoen. On April 21, Dr. Schoen attempted to obtain two additional prescription medications at this same pharmacy, Finasteride and Fentanyl, by forging another physician's signature and having them filled in the name of a person other than Dr. Schoen. On April 24, Dr. Schoen surrendered his medical license. Dr. Schoen has been chemically dependent on the drugs he diverted. From July 22, 2009, through September 14, 2009, Dr. Schoen attended and successfully completed inpatient treatment. He has entered into a monitoring contract with the NC Physicians Health Program.

Action: 10/06/2010. Consent order executed. Dr. Schoen's NC medical licensed is indefinitely suspended, effective April 24, 2009.

SHIELDS, Douglas Allen, MD

Location: Jonas Ridge, NC (Burke Co)

License #: 0094-00352 | Area of practice: EM (as reported by physician)

Cause: Dr. Shields has a history of alcohol abuse and a prior DWI charge from April 2009. Subsequent to the DWI charge, Dr. Shields entered into a contract with the NC Physicians Health Program (NCPHP) and underwent treatment for alcohol related problems. The Board was informed by NCPHP that Dr. Shields had a relapse of alcohol abuse in May 2010, and that Dr. Shields had been arrested and charged with subsequent DWI, reckless driving and having an open container of alcohol in his vehicle. In June 2010, Dr. Shields placed his NC medical license on inactive status.

Action: 09/07/2010. Consent order executed. Dr. Shields' NC medical license is indefinitely suspended.

PROBATION

See consent orders:

DAY, Robert Glynn, MD

KNOWLES-JONAS Lynde Leigh, MD

REPRIMAND

CANUPP, Tony Wayne, MD

Location: Elkin, NC (Surry Co)

License #: 0000-18615 | Area of practice: IM (as reported by physician)

Cause: Dr. Canupp treated Patients A through H for chronic pain. An expert reviewer double board certified in Anesthesiology and Pain Medicine reviewed the patients' charts. The reviewer identified areas where Dr. Canupp's treatment of Patients A and B was below accepted and prevailing standards of care. The care provided to Patients C through H was found by the reviewer to be within accepted standards.

Action: 10/15/2010. Consent order executed. Dr. Canupp is reprimanded. Within six months of the date of this order, he shall obtain a minimum of 10 hours of CME on the use of controlled substances to treat chronic pain. Within six months of this order, he shall also obtain a minimum of 10 hours of CME on the prevalence of prescription drug abuse and diversion and the indicators for abuse and diversion.

HUYNH, Tuan Anh, MD

Location: Charlotte, NC (Mecklenburg Co)

License #: 2003-00814 | Area of practice: NA

Cause: Between 2008 and 2009, Dr. Huynh prescribed methadone to Patients A-D for treatment of pain. After receiving information about Dr. Huynh's prescribing practices, the Board obtained medical records for Patients A-D. The records were provided to a physician reviewer board certified in pain medicine and anesthesiology. The reviewer determined Dr. Huynh's care of the patients was within acceptable and prevailing standards of care in NC. The physician reviewer did, however, identify areas where Dr. Huynh's pain management of Patients A-D was below the standard of care and that Dr. Huynh's records often did not contain information sufficient to support a diagnosis of the pain being treated. Dr. Huynh has agreed to stop treating chronic pain and will obtain additional continuing medical education on pain management and documentation.

Action: 10/15/2010. Consent order executed. Dr. Huynh is reprimanded. Dr. Huynh's ability to prescribe controlled substances is limited and restricted. Dr. Huynh is prohibited from prescribing controlled substances classified as Schedule II, II-N, III, III-N and IV and prohibited from prescribing controlled substances for the treatment of chronic pain. Must comply with other conditions.

LITHMAN, Jerry Richard, MD

Location: Durham, NC (Durham Co)

License #: 0000-33084 | Area of practice: P (as reported by physician)

Cause: The Board conducted an investigation of Dr. Lithman's prescribing to Patient A that included a report from the NC Controlled Substances Reporting System showing 117 separate entries for Patient A over a period of 16 months, with prescriptions for Diazepam, Hydrocodone, Oxycodone, Oxycodone ER, Temazepam, Alprazolam and Tussionex liquid. An expert reviewer opined that Dr. Lithman's diagnosis, treatment and documentation of Patient A failed to conform to prevailing and accepted standards of care in that Dr. Lithman: 1. Failed to document the utilization of safeguards such as urine drug screens to monitor patient compliance to minimize the potential for the abuse and diversion of controlled substances; 2. Failed to document assessment of liver function tests to rule out acetaminophen-induced liver toxicity; 3. Significantly escalated Patient A's opioid treatment without documentation of the reason; and 4. Prescribed overlapping refills of opioids to Patient A without documentation for the reason for early renewal. Expert review of four additional patient charts obtained by the Board found that Dr. Lithman failed to provide legible and adequate documentation to support the diagnosis and treatment of all four patients in violation of the standards of acceptable and prevailing medical practice.

Action: 10/15/2010. Consent order executed. Dr. Lithman is reprimanded. Within six months of the date of this order, he shall attend a course addressing medical record keeping and identification and evaluation of potential

signs of patient abuse or patient misconduct. Within four months of this order, Dr. Lithman shall engage a physician with appropriate qualifications to review his medical records for patients Dr. Lithman is treating with narcotic medications for psychiatric issues and chronic pain.

TOMEU, Enrique Jose, MD

Location: Kenansville, NC (Duplin Co)

License #: 0098-01097 | Area of practice: OBGYN (as reported by physician)

Cause: On December 9, 2009, the Virginia Board entered an order reprimanding Dr. Tomeu and placing conditions on his Virginia license as a result of his failure to complete a competency assessment required by VA law after three medical malpractice claims are paid in a ten-year period on behalf of an individual physician. On March 12, 2010, the VA Board confirmed that Dr. Tomeu completed the required assessment and the conditions placed on his VA license were terminated.

Action: 09/29/2010. Consent order executed. Dr. Tomeu is reprimanded

VAUGHAN, Elizabeth Rankin, MD

Location: Greensboro, NC (Guilford Co)

License #: 0000-27863 | Area of practice: Medical toxicology (as reported by physician)

Cause: In July 2009 the Board received a complaint from a former employee alleging unprofessional conduct by Dr. Vaughan. The Board obtained five patient charts for review to determine if the care provided to Patients A-D was within accepted and prevailing standards. Medical expert reviewers identified areas where Dr. Vaughan's medical records and supervision of allied health professionals were below standards. For example, among other issues with the care provided to Patient A, medical records for Patient A did not indicate the justification for the choice of substances used during infusion therapy; vital signs were not monitored during infusion treatments and Dr. Vaughan did not sign the majority of record sheets for the treatments. With regard to Patient B, the use of chelation therapy was poorly justified; documentation of the patient's vital signs during chelation procedures was poorly documented; medical records indicated minimal contact with the patient; medical records indicate minimal supervision of the allied health professional that provided the infusion therapies to Patient B. Experts noted similar issues with Patients C and D.

Action: 09/24/2010. Consent order executed. Dr. Vaughan is reprimanded. Within six months of the date of this order, she shall attend the Intensive Course in Medical Recordkeeping with Individual Preceptorships at Case Western Reserve University.

CONDITIONS/LIMITATIONS ON PRACTICE

ZELLER, Kathleen Elizabeth, MD

Location: Greensboro, NC (Guilford Co)

License #: 2007-00068 | Area of practice: GYN/FM (as reported by physician)

Cause: In October 2008 the Board received a Notice of Change in Staff Privileges for Dr. Zeller in connection with an investigation regarding her care and treatment of several patients. A Board investigation resulted in an order for Dr. Zeller to be assessed by the Center for Personalized Education for Physicians. The CPEP evaluation found that, while she has a broad base of knowledge in both obstetrics and gynecology and in general practice, her knowledge base did have some important gaps.

Action: 10/15/2010. Consent order executed. Dr. Zeller's NC medical license shall be limited in time and shall expire one year from the date of this order. Dr. Zeller shall complete certain specified obstetrics and gynecology CME courses provided by the American College of Obstetrics and Gynecology. If permitted by ACOG, Dr. Zeller shall take the written exam of the American Board of Obstetrics and Gynecology at its June 2012 administration and take the oral exam by 2014. Dr. Zeller shall undertake preceptorships in both OB/GYN and general practice that shall consist of both observation and mentoring. Dr. Zeller shall also complete certain specified CME in general practice.

DENIALS OF LICENSE/APPROVAL

DISANTO, Vinson Michael, DO

Location: Marlton, NJ

License #: 0098-00041 | Area of practice: NA

Cause: Dr. DiSanto applied for a medical license through reactivation, yet failed to satisfy the Board of his qualifications because he made false statements or representations to the Board or willfully concealed from the Board material information in connection with his application. Specifically, Dr. Disanto answered “no” to two questions on his application and failed to inform the Board that he was dismissed from medical school in 1979 and that he defaulted on a prior public health service education loan and was excluded from Medicare and State Health Care Program participation from 1993-1996. Dr. DiSanto also failed to inform the Kentucky Board of Medical Licensure of his medical school dismissal on a Kentucky medical license application. As a result, Dr. DiSanto was issued a medical license in Kentucky pursuant to an order and required to pay a fine in the amount of \$1,000.

Action: 10/04/2010. Denial of NC medical license application.

GUALTEROS, Oscar Mauricio, MD

Location: Southern Pines, NC (Moore Co)

License #: 0099-00236 | Area of practice: NA

Cause: Dr. Gualteros has a prior disciplinary history with the NC Medical Board. First, Dr. Gualteros entered into a consent order with the Board on November 14, 2000; based on the finding he had inappropriate physical contact with patients. Second, Dr. Gualteros entered into a consent order with the Board on June 6, 2001, based upon the finding that he improperly touched a female nurse and that he was required to have and document in patient records the presence of a chaperone during all encounters with female patients. Third, Dr. Gualteros entered into a consent order with the Board on January 20, 2006, where he acknowledged an inappropriate interaction with a female patient in 2005 and surrendered his NC medical license effective February 18, 2006. The Board also received an additional complaint in 2006 regarding another female patient who claimed he acted inappropriately with her.

Action: 10/04/2010. Denial of NC medical license application.

MARTIN, Rebecca Mathilde, DO

Location: Fort Wayne, IN

License #: NA

Cause: Dr. Martin was issued a letter of warning in August 1990 by the Iowa Board of Medicine regarding her involvement in the care of an injured young child who was eventually diagnosed with a missed spleen fracture. In addition, Dr. Martin received a second letter of warning, in November 2003, due to the Iowa Board’s serious concerns that she failed to appropriately diagnose and treat a patient’s myocardial infarction and acute renal failure resulting in the patient’s death following heart failure.

Action: 10/19/2010. Denial of NC medical license application. Dr. Martin has requested a hearing.

SURRENDERS

DYKERS, John Reginald, MD

Location: Siler City, NC (Chatham Co)

License #: 0000-11837 | Area of practice: FP (as reported by physician)

Action: 09/17/2010. Voluntary surrender of NC medical license.

ROBERTS, Thomas Luther, III, MD

Location: Spartanburg, SC

License #: 0000-26979 | Area of practice: Plastic Surgery (as reported by physician)

Action: On June 28, 2009, the South Carolina Medical Board suspended Dr. Roberts’ medical license for misconduct, including engaging in behavior that exploited the physician-patient relationship by engaging in sexual misconduct with staff members who later became patients; performing labia exams without gloves; falsifying medical records by indicating that he had performed certain procedures when in fact Dr. Roberts’ nurse performed

the procedures; and other reasons. The South Carolina Board reprimanded Dr. Roberts, fined him \$25,000 and suspended his medical license immediately. Dr. Roberts' South Carolina medical license was not subject to reinstatement until Dr. Roberts fulfilled certain conditions. Dr. Roberts has satisfied the terms and conditions imposed by the South Carolina Board and has been reinstated to the practice of medicine subject to other on-going conditions.

Action: 09/30/2010. Consent order executed. Dr. Roberts surrenders his NC medical license. He may apply for reinstatement of his NC medical license when he has a full and unrestricted medical license in SC, and is relieved of all conditions of the South Carolina order.

FINES

See consent orders

Kooistra, Carol Antonsen, MD

PUBLIC LETTERS OF CONCERN

ALMASRI, Ghiath Mohammad, MD

Location: Greenville, NC (Pitt Co)

License #: 2002-00852 | Area of practice: IM (as reported by physician)

Cause: The Board reviewed information regarding a professional liability payment made on Dr. Almasri's behalf on February 10, 2010. In July 2006, Patient A presented to the emergency room after experiencing a loss of consciousness and a headache for three days. A head CT scan was performed and reported as normal. A lumbar puncture was recommended but the patient refused. The following day, the patient returned to the ER complaining of an extreme headache and she was admitted to the hospital. Dr. Almasri was one of Patient A's attending physicians. A lumbar puncture was performed and a second head CT scan was done. The head CT scan was negative but the lumbar puncture showed marked xanthochromia and red blood cell counts at levels that indicated the possibility of a subarachnoid hemorrhage. Dr. Almasri subsequently discharged Patient A with a misdiagnosis of aseptic meningitis. Patient A died three days later of a subarachnoid hemorrhage. The Board is concerned that Dr. Almasri may have either misinterpreted or overlooked laboratory results and neglected patient symptoms that should have prompted him to perform additional neurological examinations, radiographic studies and consultations, which might have led to a correct diagnosis.

Action: 10/13/2010. Public letter of concern issued.

ASWAD, Margo Andrea, MD

Location: Lincolnton, NC (Lincoln Co)

License #: 0097-01230 | Area of practice: Surgical Critical Care (as reported by physician)

Cause: The Board reviewed information regarding a professional liability payment made on Dr. Aswad's behalf on October 30, 2009. On July 21, 2005, a patient presented to the emergency room with abdominal pain, which he indicated had been ongoing for a day. Dr. Aswad was called because she was the on-call surgeon and she gave admission orders by phone. The patient was admitted and given medication for pain. Dr. Aswad was not notified overnight of any change in the patient's condition or complaints of pain. The nurse's notes described the patient as being "very upset" and indicate that his pain level was a 12 on a ten point scale. The patient had surgery the next morning, during which it was discovered that his appendix had ruptured. The patient recovered in the hospital and was released in good condition. The Board is concerned that Dr. Aswad's care of this patient was delayed.

Action: 10/15/2010. Public letter of concern issued.

BIDDLE, James Robert, MD

Location: Asheville, NC (Buncombe Co)

License #: 0096-00037 | Area of practice: IM (as reported by physician)

Cause: Following receipt of a complaint, the Board reviewed the medical records of five patients Dr. Biddle treated for autism. In each of the five cases, Dr. Biddle's medical records did not adequately document the basis for his diagnosis of autism. In several cases, it was reported the patient had been previously diagnosed with autism;

however, it was unclear what documentation Dr. Biddle reviewed to confirm the diagnosis. Dr. Biddle has agreed to take certain steps to address the concerns raised by the Board.
Action: 10/25/2010. Public letter of concern issued.

BLANCHARD, Paul Lewis, MD

Location: West Chester, OH

License #: 0094-00422 | Area of practice: NA

Cause: In October 2008, the State Medical Board of Ohio suspended Dr. Blanchard's license to practice medicine based on his admission that he was, at that time, impaired in his ability to practice medicine. His Ohio license was reinstated on July 8, 2009. The North Carolina Board would consider the Ohio action and the underlying facts and circumstances if Dr. Blanchard should apply for reactivation of his NC medical license.

Action: 09/21/2010. Public letter of concern issued.

BUTTAR, Daljit Singh, MD

Location: Raleigh, NC (Wake Co)

License #: 0000-31714 | Area of practice: NA

Cause: Dr. Buttar's license to practice medicine expired on June 14, 2010, due to non-renewal. In September 2010, Dr. Buttar completed an application for reinstatement of his NC medical license. The Board noted that it sent, as a courtesy, a license renewal reminder notice to the email address requested by Dr. Buttar. Dr. Buttar indicated that he rarely checks the email account.

Action: 10/12/2010. Public letter of concern issued.

GARNER, Daniel Creston, MD

Location: Franklin, TN

License #: 0000--1543 | Area of practice: Administrative medicine, Radiation oncology (as reported by physician)

Cause: On September 15, 2009, Dr. Garner entered into a consent order with the Tennessee Board of Medical Examiners based on his participation, as medical director of Dermacare of Cool Springs, TN, in the unauthorized practice of medicine. His Tennessee license was placed on probation for a period of not less than two years for failure to have adequate training education and experience to supervise the performance of laser treatments and for allowing individuals to practice medicine without a license or to practice beyond the scope of their licenses. Dr. Garner was assessed two Type A Civil Penalties in the amount of \$1,000 each along with the costs of prosecuting the matter.

Action: 09/20/2010. Public letter of concern issued.

HALL, Mitchell Frederick, MD

Location: Bradenton, FL

License #: 0096-00394 | Area of practice: NA

Cause: The NC Medical Board has reviewed information regarding an action taken against Dr. Hall's Florida medical license. On October 22, 2009, Dr. Hall entered into a settlement agreement with the Florida Department of Health resulting in a final order. As indicated in the Florida administrative complaint, the event which precipitated the Florida action involved Dr. Hall's care and treatment of a patient in July 2007. The complaint alleges, among other things, that Dr. Hall failed to 1) perform an adequate neurologic exam, 2) reassess the patient or review x-rays prior to discharge, 3) adequately diagnose the patient and/or 4) document an appropriate examination or review of x-rays. The Florida Department of Health issued a letter of concern, fined Dr. Hall \$5,000, and required Dr. Hall to complete five hours of continuing medical education and 100 hours of community service.

Action: 09/20/2010. Public letter of concern issued.

HANLEY, Brian Thomas, PA-C

Location: Marion, NC (McDowell Co)

License #: 0001-02173

Cause: The Board has reviewed information regarding the professional liability payment made on Mr. Hanley's behalf on October 30, 2008. Mr. Hanley provided medical coverage for the county jail and received notification by the nurse on duty that a new prisoner had arrived in pain. The patient presented with a history of back injury and

self-reported that he had treated himself with narcotics he had purchased off the street. The nurse noted that the patient may be experiencing symptoms of narcotics withdrawal. Without seeing or examining the prisoner, Mr. Hanley prescribed 40 mg methadone to the patient. The patient later died from methadone toxicity. Mr. Hanley's failure to personally obtain a history or perform an examination on this patient before prescribing 40 mg of methadone was below acceptable and prevailing standards of medical practice.
Action: 10/11/2010. Public letter of concern issued.

MOORE, John Roger, IV, MD

Location: Pinehurst, NC (Moore Co)

License #: 2001-00578 | Area of practice: Orthopedic Surgery (as reported by physician)

Cause: The Board is concerned that Dr. Moore was arrested for a DWI and reckless driving on August 25, 2009, following an auto accident. The Board is also concerned that the physician assistant Dr. Moore supervises was also in the vehicle and injured during the auto accident.

Action: 10/05/2010. Public letter of concern issued.

ROBINSON, Cynthia Kay, MD

Location: Henderson, NC (Vance Co)

License #: 0000-37934 | Area of practice: Surgery (as reported by physician)

Cause: The NC Medical Board has reviewed information regarding the professional liability payment made on Dr. Robinson's behalf on September 30, 2009. On February 20, 2006, Patient A presented to Dr. Robinson with a recurrent lower gastro-intestinal hemorrhage. Dr. Robinson performed a left hemicolectomy with primary anastomosis on Patient A. Postoperatively, Patient A had pulmonary problems which Dr. Robinson attributed to Patient A's history of COPD and sleep apnea. By the fifth postoperative day, Patient A developed evidence of sepsis and continued to deteriorate. At the request of the family, Patient A was transferred to another hospital and underwent surgery to repair an anastomotic leak. Patient A never recovered and died due to septic shock and peritonitis. The Board is concerned that Dr. Robinson's care of Patient A failed to conform to acceptable and prevailing standards of medical practice.

Action: 09/24/2010. Public letter of concern issued.

SMYRE, Jonathan Todd, LP

Location: Raleigh, NC (Wake Co)

License #: 1000-00121

Cause: The Perfusionist Advisory Committee of the NC Medical Board and the NC Medical Board reviewed information regarding Mr. Smyre's renewal of his license to practice as a perfusionist. The PAC is aware that Mr. Smyre practiced perfusion with an inactive license for over one year. The PAC is also concerned that Mr. Smyre failed to respond accurately in his initial application for a perfusion license when asked about prior arrests.

Action: 10/06/2010. Public letter of concern issued.

MISCELLANEOUS ACTIONS

HUYNH, Tuan Anh, MD

Location: Charlotte, NC (Mecklenburg Co)

License 3: 2003-00814 | Area of practice: NA

Cause: The Board entered into a consent order with Dr. Huynh on October 15, 2010. The consent order prohibits Dr. Huynh from prescribing controlled substances classified as Schedule II, II-N, III, II-N and IV, and from prescribing controlled substances for the treatment of pain. It has come to the attention of the Board that Dr. Huynh needs additional time to transfer the care of patients presently being treated with controlled substances.

Action: 10/20/2010. Supplemental consent order executed. Dr. Huynh is permitted to prescribe controlled substances classified as Schedule II, II-N, III, III-N and IV under the federal Controlled Substances Act for the treatment of chronic pain until 5:00 p.m., Friday, November 12. After 5:00 p.m., November 12, 2010, Dr. Huynh is prohibited from prescribing the abovementioned controlled substances and shall not evaluate, assess or treat patients for chronic pain who were not patients of Dr. Huynh prior to October 15, 2010.

SUTTON, Steven Glenn, MD

Location: Culpepper, VA

License #: 0096-01738 | Area of practice: NA

Cause: Dr. Sutton entered into a consent order with the Virginia Board of Medicine dated September 10, 2009, wherein it is indicated that Dr. Sutton had been addicted to narcotic medications for the past three to four years and that on multiple occasions from approximately May 2006 through March 2009, Dr. Sutton fraudulently wrote and/or called in prescriptions for narcotics for his personal use by forging the name of his practice partner and by obtaining signed prescription forms from another practice partner. Dr. Sutton signed a contract with the Virginia Health Practitioners Intervention Program and subsequently was admitted for inpatient substance abuse treatment. On August 7, 2009, the health program reported that Dr. Sutton is compliant with his Recovery Monitoring Contract. The Virginia consent order requires Dr. Sutton to remain in the health program and continue to fully comply with the terms of his contract.

Action: 10/15/2010. Consent order executed: Dr. Sutton must comply with the terms of his Virginia Health Practitioners Monitoring Program contract.

CONSENT ORDERS AMENDED

GLAESNER, Edward Julian, NP

Location: Raleigh, NC (Wake Co)

License #: 0002-01867

Cause: Mr. Glaesner entered into a consent order with the Board on January 18, 2008, wherein Mr. Glaesner was given a stayed suspension and required, among other things, to have his supervising physician co-sign Mr. Glaesner's patient charts within seven days and that Mr. Glaesner not prescribe Schedule II, IIN, III, and IIIN controlled substances. On September 1, 2009, the Board and Mr. Glaesner entered into an amended consent order wherein Mr. Glaesner's supervising physician, David Paul Adams, MD, was relieved of the obligation of co-signing Mr. Glaesner's patient charts. However, the co-signature requirement was retained for any other supervising physician Mr. Glaesner might have in the future. In May 2010, Mr. Glaesner requested that the Board further amend his consent order to relieve supervising physicians other than Dr. Adams of the need to co-sign patient charts and to allow Mr. Glaesner to write prescriptions for Schedule III and IIIN controlled substances. A committee of the Board reviewed Mr. Glaesner's request and it appears that he is complying with the terms and conditions of his September 1, 2009, amended consent order.

Action: 09/15/2010. Second amended consent order executed. Mr. Glaesner is relieved of the requirement that any supervising physician co-sign his patient charts. He may write prescriptions for Schedule III and IIIN controlled substances provided he maintain a controlled substance prescription log detailing each controlled substance prescription he writes to include the name of the patient, the date of the prescription, the medication prescribed, the duration of the prescription and any instructions to the patient.

MERCIER, Randall Robert, MD

Location: Pinehurst, NC (Moore Co)

License #: 0000-26898 | Area of practice: IM (as reported by physician)

Cause: Dr. Mercier entered into a consent order with the Board on November 17, 2006, indefinitely suspending his license. On August 14, 2007, Dr. Mercier's license was reinstated subject to a number of conditions, including that he limit his workweek to 30 hours. Dr. Mercier entered into an amended consent order with the Board on November 13, 2008, wherein his workweek was extended to 40 hours. Dr. Mercier has asked the Board to increase his permitted workweek. The NCPHP supports Dr. Mercier's request.

Action: 09/01/2010. Second amended consent order executed. Dr. Mercier's November 13, 2008, order is amended to allow Dr. Mercier to practice no more than 45 hours in any workweek. All other terms and conditions contained in the prior orders remain in effect.

CONSENT ORDERS LIFTED

TEMPORARY/DATED LICENSES:
ISSUED, EXTENDED, EXPIRED, OR REPLACED BY FULL LICENSES

DUGLISS, Malcolm Andrew, PA

Location: Asheville, NC (Buncombe Co)

License #: 0001-03305

Action: 9/16/2010. Dated physician assistant license issued to expire on September 30, 2011.

LARSON, Michael Joseph, MD

Location: Raleigh, NC (Wake Co)

License #: 0000-28661 | Area of practice: P (as reported by physician)

Action: 9/16/2010. Full license issued.

PERRY, Robert Francis, MD

Location: Wilmington, NC (New Hanover Co)

License #: 0094-01492 | Area of practice: PD (as reported by physician)

Action: 9/16/2010. Full license issued.

WRENN, Cynthia Helen, PA

Location: Fayetteville, NC (Cumberland Co)

License #: 0001-02752

Action: 9/16/2010. Dated physician assistant license issued to expire on September 30, 2011.

COURT APPEALS/STAYS

NONE

DISMISSALS

NONE

REENTRY AGREEMENTS (History of impairment/discipline)

ELLIS, Rickie Wade, MD

Location: Greenville, NC (Pitt Co)

License #: 2001-01442 | Area of practice: NA

Cause: Dr. Ellis practiced psychiatry in the Greenville, NC, area from November 2001 through March 8, 2007. In March 2007, Dr. Ellis surrendered his NC medical license. Dr. Ellis applied for reinstatement of his license on or about July 24, 2008. In an order dated January 29, 2009, the Board ordered Dr. Ellis to obtain an assessment at Acumen Assessments, Inc. The results of this assessment indicated areas in which Dr. Ellis demonstrated need for improvement. Dr. Ellis has taken steps to address those areas. Dr. Ellis underwent an evaluation at the Center for Personalized Education for Physicians (CPEP) from October 13-14, 2009. The CPEP evaluation and assessment contained remedial and educational recommendations for Dr. Ellis to complete which were embodied in a report. Action: 09/03/2010. Plan of reentry and remediation executed. Dr. Ellis shall be issued a temporary medical license that the Board is under no obligation to renew. He shall only practice medicine and perform medically related work on patients 18 years of age or older. Dr. Ellis will not work in solo practice. He shall complete the recommendations in the CPEP report under the educational preceptorship and mentorship of Dr. Gary Leonhardt. Dr. Ellis shall not practice medicine independently until he has completed the CPEP requirements and this has been confirmed in writing by CPEP.

REENTRY AGREEMENTS (No history of impairment/discipline)

CARLSON, Richard Joseph, MD

Location: Oak Island, NC (Brunswick Co)

License #: 2010-01823 | Area of practice: Psychiatry (as reported by physician)

Cause: Dr. Carlson has not practice clinical medicine since April 2007. Dr. Carlson acknowledges the need to complete a program of reentry into the practice of medicine in order for the Board to issue him a license to practice medicine and surgery.

Action: 10/07/2010. Plan of reentry executed. The Board shall issue Dr. Carlson a NC medical license. Dr. Carlson shall undertake a program of reentry into the practice of medicine. The reentry program shall consist of a period of mentoring. Dr. Moore shall serve as Dr. Carlson's mentor and provide the Board with a series of letters that describe his mentoring and make an assessment of Dr. Carlson's competency.