

NORTH CAROLINA MEDICAL BOARD
Board Orders/Consent Orders/Other Board Actions
January-February 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

REVOCATIONS

COFFMAN, Donald Ralph, MD

Location: Norlina, NC (Warren Co)

License #: 000016272 | Specialty: General Practice (as reported by physician)

Cause: Dr. Coffman was convicted of a felony in State of North Carolina vs. Donald R. Coffman, 07-CRS-001377.

Action: 01/26/2009. Notice of revocation.

See consent orders:

ROBERTSON, Elisabeth M., MD

SUSPENSIONS

See consent orders:

ALFORD, Todd Michael, MD

BOTHE, Brian Michael, MD

BRADY, Joseph Lawrence Jr., MD

MERRITT, Thomas Rodman, MD

MISTRI, Kamlesh Krishna, PA

NOWLAN, Ashley, PA

SILVERMAN, David Louis, MD

THOMPSON, Robert Bruce, MD

TROMBLEY, Richard Walter, PA-C

WESTON, Jonathan Dunbar, MD

WHITE, Dale E., PA

WILSON, Wayne Vincent, MD

SUMMARY SUSPENSIONS

NONE

CONSENT ORDERS

ALFORD, Todd Michael, MD

Location: Kings Mountain, NC (Cleveland Co)

License #: 200701869 | Specialty: Psychiatry (as reported by physician)

Cause: The NC Medical Board received information that Dr. Alford committed a boundary violation with a patient during the course of the physician-patient relationship. On May 26, 2009, Dr. Alford voluntarily surrendered his NC medical license.

Action: 02/18/2010. Consent order executed. Dr. Alford's medical license is indefinitely suspended, effective May 26, 2009.

BASILI, Richard Louis Jr, MD

Location: Kinston, NC (Lenoir Co)

License #: 009700464 | Specialty: Anesthesiology

Cause: Dr. Basili suffered from bipolar disorder, leading the Board to suspend his license in July 2006. He entered into a contract with the NC Physicians Health Program (NCPHP) and has been under treatment since September, 2006. In December 2007, the Board reinstated his license to practice medicine via a consent order. It appears Dr. Basili is complying with the terms and conditions of the consent order including maintaining his contract with NCPHP.

Action: 02/23/2010. Consent order amended. Dr. Basili is no longer required to obtain practice site approval. He shall meet with a subcommittee of the Board to discuss reentry terms contained in his consent order if he does not begin practicing by October 1010. He shall have a colleague observe his practice for six months and deliver quarterly evaluation letters to the Board.

BOTHE, Brian Michael, MD

Location: Arden, NC (Buncombe Co)

License#: 200201433

Cause: The NC Medical Board reviewed several of Dr. Bothe's patient charts and the entries made from February 2007 to September 2007 were uniformly illegible. Patient interaction for the same time period was not documented in a manner that could be readily used and understood by other healthcare providers. All of the record keeping for the time period was below acceptable and prevailing standards of medical practice. Dr. Bothe admitted to a Board investigator that he took medication samples out of the practice and prescribed those samples to himself and supplied anti-depressant medications to a family member.

Action: 02/18/2010. Consent order executed. Dr. Bothe's medical license is suspended for a period of six months. This suspension is immediately stayed, and he is placed on probation for one year. He also will take a prescribing course.

BRADY, Joseph Lawrence Jr., MD

Location: Charlotte, NC (Mecklenburg Co)

License#: 000028822 | Specialty: Pediatrics (as reported by physician)

Cause: In November 2009, Dr. Brady admitted to a Board investigator that he had, in the past, used an illegal controlled substance. In December 2009, he voluntarily submitted to an assessment by the North Carolina Physician's Health Program (NCPHP). While NCPHP found no indication that Dr. Brady was substance dependent, he voluntarily entered into a contract with NCPHP. The Board has received no complaints about Dr. Brady, he has no prior history of discipline with the Board and he has a long-standing record of quality care and is held in high esteem by his peers and patients.

Action: 02/26/2010. Consent order executed. Dr. Brady's license to practice medicine and surgery is suspended for six months; however, such suspension is immediately stayed. Dr. Brady shall refrain from the use or possession of all mind-or mood-altering substances and all controlled substances and maintain a contract with NCPHP.

CATO, Allen Easley, Jr., MD

Location: Durham, NC (Durham Co)

License #: 000016670 | Specialty: Pharmacology, Clinical (as reported by physician)

Cause: On occasions prior to December 2008, Dr. Cato refilled prescriptions for a family member and co-worker that were written by other physicians and did not maintain adequate records regarding such. Further, on one other occasion in December 2008, Dr. Cato wrote a prescription for a co-worker, who gave the prescription to Dr. Cato's family member who Dr. Cato believed, was in an emergency condition for unremitting back pain and who could not be seen by her regular physician during the weekend hours. When the family member was seen by her regular physician the following Monday for the back pain, the physician prescribed the same medicine as had been prescribed by Dr. Cato. Dr. Cato maintains that he unintentionally violated the Board's policy on prescribing for family members and on refilling prescriptions written by other physicians.

Action: 01/12/2010. Consent order executed. Dr. Cato is reprimanded and shall obtain ten (10) hours of CME credits in prescribing medications and ethics.

FENN, James David, MD

Location: Elizabeth City, NC (Pasquotank Co)

License#: 201000133 | Specialty: EM (as reported by physician)

Cause: In August 1994, Dr. Fenn was reprimanded and fined by the Virginia Board of Medicine. He failed to answer a question correctly on his application for a North Carolina medical license which pertained to the Virginia Board's action. From March 2009 to November 2009, Dr. Fenn practiced medicine in North Carolina without a license by authoring and calling in several prescriptions for a patient, family members and friends.

Action: 01/29/2010. Consent order executed. Dr. Fenn is reprimanded. Simultaneously with the issuance of his medical license, Dr. Fenn's license is suspended for six months. The suspension is immediately stayed.

HOFFERT, Marvin Jay, MD

Location: Charlotte, NC (Mecklenburg Co)

License #: 201000195 | Specialty: Neurology (as reported by physician)

Cause: Dr. Hoffert did not disclose on his application for a medical license in North Carolina a 1986 arrest in Washington, complaints by four of his patients to the Commonwealth of Massachusetts Board of Registration in

Medicine in the early 1990s and refusal of the State of Illinois, Department of Financial and Professional Regulation, Division of Professional Regulation refusal to renew his medical license based entirely on the Washington Board action related to his arrest. This constitutes Dr. Hoffert making false statements or representations to the N.C. Medical Board.

Action: 02/11/2010. Consent order executed. Dr. Hoffert is reprimanded.

LANGSTON, Jonathan Lawrence, PA

Location: Shallotte, NC (Brunswick Co)

License#: 000100214

Cause: After the NC Medical Board reviewed several of Mr. Langston's patient records in 2008, it was requested that he take at least six hours of CME in areas of antibiotic use and/or the outpatient treatment of infectious disease and that it be completed by May 2009. The Board also requested in February 2009 that Mr. Langston implement an electronic medical record system in his practice by July 2009. He implemented this system in his practice on or about September 2009. He began the CME in May 2009, and did not complete the final portion of the CME until January 2010.

Action: 02/18/2010. Consent order executed. Mr. Langston is reprimanded.

MACK, Barbara Ann, MD

Location: Southern Pines, NC (Moore Co)

License #:34388 | Specialty: General Practice (as reported by physician)

Cause: Dr. Mack saw patients at Family Weight Loss Center for the purpose of determining whether the patients could safely be prescribed medicine to assist them in losing weight. As a general rule, a company that provides medical services in North Carolina must be owned in its entirety by licensed physicians or a permissible combination of licensed health care providers. If a hearing were held in this matter, the Board is prepared to present testimony and/or other evidence that by providing medical services at FWLC, Dr. Mack aided and abetted the unlicensed practice of medicine, that several of her patient charts included instances of care that was below standards of acceptable and prevailing medical practice and that the lay owners of the practice, on occasion, called in prescription refills for controlled substances for patients without a physician or physician assistant's authorization.

Action: 02/05/2010. Consent orders executed. Dr. Mack is reprimanded.

MERRITT, Thomas Rodman, MD

Location: Fremont, MI

License #: 000024118 | Specialty: Orthopedic Surgery (as reported by physician)

Cause: The Board reviewed three of Dr. Merritt's surgical cases and was concerned regarding length of surgery and that he may have "over-reamed" bones during some of these surgeries. Patient A had hip surgery that lasted five and a half hours, and during the surgery, the claw portion of a small self-retaining retractor began used by Dr. Merritt was accidentally entrapped. After the procedure, Dr. Merritt did not mention anything about this retained instrument in his operative note and he documented that "no complications" occurred. He did not notify Patient A immediately about the retained instrument. He later revised the operative note and notified the patient after being told to do so by the Hospital Chief of Surgery. He has told the Board that he intended to document the retained portion of the instrument and tell the patient even if he was not told to do so.

Action: 01/04/2010. Consent order executed. Dr. Merritt's license is suspended for six months. The suspension is immediately stayed. He shall submit himself within six months from the date of the order for an assessment by the PACE program at the University of California at San Diego and provide a copy of all assessment reports to the Board's compliance officer.

MISTRİ, Kamlesh Krishna, PA

Location: Hickory, NC (Catawba Co)

License#: 001000799

Cause: Three patients saw Mr. Mistri with stated histories of current opioid abuse and dependence. All received cursory initial evaluations at the clinic where Mr. Mistri practiced and brief follow-up visits by him. Neither Mr. Mistri nor the clinic where he practiced were certified as an Opioid Treatment Program under federal law and therefore such prescribing violated federal law. Mr. Mistri's medical records for another patient lacked appropriate documentation.

Action: 02/19/2010. Consent order executed. Mr. Mistri's license is suspended for six months, however the suspension is stayed. His license is placed on probation for six months with several conditions such as attending a

medical record keeping course and attending a continuing medical education course.

MITCHELL, James Alistair, MD

Location: Fayetteville, NC (Cumberland Co)

License#: 200400921 | FP (as reported by physician)

Cause: From November 2007 to March 2009, Dr. Mitchell prescribed five medications to a family member and did not keep records or perform examinations. Once in January 2009, he asked a physician colleague to prescribe a narcotic pain medication, and once in April 2009, he asked another physician colleague to prescribe a three-month supply of a controlled substance diet medication to a family member where it was understood that the prescribers would provide the prescription without examining Dr. Mitchell's family member or keep a medical record of the events.

Action: 02/22/2010. Consent order executed. Dr. Mitchell's license to practice medicine will be placed on probation for a period of one year from November 1, 2009 to October 31, 2010.

MULLINS, Christopher Edward, DO

Location: Clarksville, VA

License#: 009800101 | Specialty: FP (as reported by physician)

Cause: The Board received a complaint about Dr. Mullins from a physician who treated a patient who indicated he had obtained a prescription for Parnate, a medication with potentially lethal drug interactions, after speaking with the authorizing physician over the telephone. Pharmacy records indicated Dr. Mullins called in a prescription for Parnate. Dr. Mullins told the Board that in addition to his regular practice, he worked with a network of licensed primary care physicians who provided a medical diagnosis by review of a patient's medical history coupled with a telephone consultation. Dr. Mullins acknowledges that by prescribing medications without a physical examination and in the absence of a prior physician-patient relationship, he engaged in unprofessional conduct.

Action: 02/19/2010. Consent order executed. Dr. Mullins is reprimanded.

NOWLAN, Ashley, PA

Location: High Point, NC (Guilford Co)

License #: 001001770

Cause: In July 2009, Ms. Nowlan admitted having a substance abuse problem for several years. She was cooperative during the course of the Board's investigation. In July 2009, she voluntarily surrendered her PA license. She has entered into a contract with the NC Physicians Health Program.

Action: 01/06/2010. Consent order executed. Ms. Nowlan's PA license is indefinitely suspended.

OKSANEN, Owen David, MD

Location: Port St. Joe, FL

License #: 201000229 | Specialty: Family Medicine (as reported by physician)

Cause: On his application for licensure, Dr. Oksanen answered several questions about his licensing history in other states incorrectly and inaccurately. He reports that he did not intentionally make false statements or misrepresentations to the Board.

Action: 02/12/2010. Consent order executed. Dr. Oksanen is issued a license to practice medicine and surgery. He is reprimanded.

OWENS, James Lee, MD

Location: Jarvisburg, NC (Currituck Co)

License#: 000038159 | Specialty: FP (as reported by physician)

Cause: The Board ordered that Dr. Owens be assessed at the Center for Personalized Education for Physicians (CPEP) on June 11, 2008. He was assessed by CPEP in February 2009 and a report made several recommendations for the improvement of Dr. Owens' practice of medicine. Five of his patient medical charts were obtained by the Board and submitted for outside medical expert review by a physician. The expert found some deficiencies in the charts, including prescribing and medical documentation issues. Dr. Owens admitted these deficiencies.

Action: 02/16/2010. Consent order executed. Dr. Owens will obtain a practice monitor and submit a practice Monitoring Agreement that will be approved by the Medical Board's medical director. It will include weekly in person meetings with Dr. Owens' monitor and the monitor will submit monthly reports to the Board. Dr. Owens also will take a CME course in prescribing and medical record documentation.

PANDIT, Subodh Kumar, MD

Location: Hendersonville, NC (Henderson Co)

License #: 200001234 | Specialty: IM (as reported by physician)

Cause: On May 29, 2008, it was reported to the Board that Dr. Pandit's clinical privileges had been summarily suspended at Saint Luke's Hospital in Columbus, NC, due to a review of his treatment of a patient. A peer review committee subsequently recommended reinstatement of Dr. Pandit's privileges. On March 22, 2009, the patient, a diabetic, presented at the emergency room with testicular pain. Dr. Pandit discharged the patient after prescribing pain medication and antibiotics, but failed to document the patient's temperature or blood sugar level. Dr. Pandit contends that the patient's temperature was taken, but not documented by the emergency department staff, and the patient refused the blood sugar level test. Dr. Pandit's documentation of the patient's emergency room visit failed to conform to acceptable and prevailing standards of medical practice.

Action: 02/15/2010. Consent order executed. Dr. Pandit was reprimanded.

RAWAL, Kapil, MD

Location: Raleigh, NC (Wake Co)

License #: 000026975 | Specialty: Neurology (as reported by physician)

Cause: The Board received a complaint from Patient A alleging she had to make several repeated requests for medical records and did not receive them until 69 days after her initial request. The Board has received several complaints from other patients regarding difficulty in acquiring medical records from Dr. Rawal. The Board warned him regarding the delay in providing copies of medical records to his patients/former patients. Dr. Rawal has been diagnosed with depression and is currently receiving treatment. He has entered into a relationship with NC Physicians Health Program.

Action: 01/27/2010. Consent order executed. Dr. Rawal's license to practice is reprimanded.

ROBERTSON, Elisabeth M., MD

Location: Statesville, NC (Iredell Co)

License #: 000034107 | Specialty: Anesthesiology, Pain Management (as reported by physician)

Cause: From June 2005 to April 2006, Dr. Robertson wrote Schedule II narcotic prescriptions for a family member and patients, but she used the medications herself. Dr. Robertson surrendered her license to practice medicine on May 26, 2006. On October 27, 2006, she and the Board entered into a Consent Order that suspended her medical license indefinitely. From January to February 2008, Dr. Robertson obtained controlled substance prescription medications by forging another physician's signature and having them filled for her own use in the names of other people.

Action: 02/22/2010. Consent order executed. Dr. Robertson's medical license is revoked.

SCALLION, Ralph Michael, MD

Location: Durham, NC (Durham Co)

License#:000023664 | Speciality: Cardiology (as reported by physician)

Cause: The NC Medical Board ordered Dr. Scallion to be evaluated by the North Carolina Physicians Health Program (PHP) by Order of Examination on May 15, 2008. Then on November 13, 2008, the Board ordered that he contact Acumen Assessments to be evaluated by December 19, 2008. Despite making contact with Acumen Assessments and scheduling an assessment for May 2009, Dr. Scallion did not go to Acumen Assessments until September 2009, at which he completed his assessment.

Action: 02/18/2020. Consent order executed. Dr. Scallion is reprimanded.

SILVERMAN, David Louis, MD

Location: Martinsville, VA

License #: 9900349 | Specialty: Ophthalmology (as reported by physician)

Cause: Dr. Silverman entered into a Consent Order with the Virginia Board of Medicine on June 10, 2009. The Virginia Board made several findings of fact and conclusions of law after investigating Dr. Silverman. These include that he is impaired to practice medicine with reasonable skill and safety due to substance abuse and/or illness. He tested positive for controlled medications that were not appropriately prescribed for him, abused medication and alcohol and was admitted to an inpatient treatment for substance abuse, dispensed controlled substances to patients without an appropriate examination and documentation and failed to properly maintain records for patients.

Action: 02/24/2010. Consent order executed. Dr. Silverman's N.C. medical license is indefinitely suspended.

SQUIRE, Edward Noonan Jr., MD

Location: West End, NC (Moore Co)

License #: 009801509 | Specialty: NA

Cause: In March 2009, Dr. Squire had his license reinstated by means of a consent order and reentry agreement. He met with the Board in November 2009 to discuss his reentry into the clinical practice of medicine and to request that his reentry agreement be amended according to a plan he submitted. Dr. Squire is complying with the terms and conditions of the March 2009 consent order.

Action: 01/28/2010. Consent order executed. Dr. Squire's March 2009 consent order and reentry agreement are amended.

THOMPSON, Robert Bruce, MD

Location: Charlotte, NC (Mecklenburg Co)

License#: 000040006 | Specialty: Neurology (as reported by physician)

Cause: Dr. Thompson has several previous consent orders through the years with the N.C. Medical Board related to a history of substance abuse and psychiatric health problems. In June 2009, Dr. Thompson was suspected of having relapsed in his recovery from substance abuse. He admitted to the North Carolina Physicians Health Program (NCPHP) that he had relapsed in his recovery. On June 4, 2009, he surrendered his N.C. medical license.

Action: 03/02/2010. Consent order executed. Dr. Thompson's N.C. medical license is suspended indefinitely.

TOOLE, James Eugene, PA

Location: Franklin, NC (Macon Co)

License#: 0010-00071

Cause: From June 2005 to March 2007, a patient was treated for pain management by Mr. Toole and his supervising physician. The patient ultimately died of acute methadone and fentanyl toxicity. The Board has evidence from which it could conclude that Mr. Toole's prescribing for the patient did not comport with applicable standards of practice. Mr. Toole denies any violation of standards of practice, but he has decided to retire and to surrender his license in resolution of the Board's charges.

Action: 02/18/2010. Consent order executed. Mr. Toole surrenders his license.

TROMBLEY, Richard Walter, PA-C

Location: Salisbury, NC (Rowan Co)

License #: 000101702

Cause: In April 2009, Mr. Trombley and the Board entered into a consent order based on his arrest for driving while impaired. Mr. Trombley was reprimanded and placed on probationary terms and conditions including refraining from the use of all mind-or mood-altering substances and alcohol and notifying the Board within 10 days of his use of such medication or alcohol. He was also required to maintain a contract with NC Physicians Health Program.

After signing his April 2009 consent order, Mr. Trombley admitted to consuming wine. He also did not enter into a contract with NCPHP until August 2009. He has been assessed as alcohol dependent, and inactivated his PA license in October 2009.

Action: 01/22/2010. Consent order executed. Mr. Trombley's PA license is indefinitely suspended.

WESTON, Jonathan Dunbar, MD

Location: Winston-Salem, NC (Forsyth Co)

License #: 000023809 | Speciality: OBGYN (as reported by physician)

Cause: In February 2009, Dr. Weston performed a dilation and evacuation (D&E) procedure at an out-patient clinic in Fayetteville, NC. He discontinued the procedure when the patient, according to Dr. Weston, failed to cooperate and continued to move during the procedure. The patient was taken to Cape Fear Valley Medical Center and immediately was taken to surgery due to the incomplete D&E procedure and heavy bleeding. It was later determined that the patient had suffered a uterine perforation. Dr. Weston did not have privileges at Cape Fear Valley Medical Center. He did not have an arrangement or agreement with a local physician to provide coverage at the hospital and did not contact the hospital regarding the patient being transferred.

Action: 01/12/2010. Consent order executed. Dr. Weston's license to practice medicine and surgery is suspended for 12 months effective on the date of this Consent order. However, such suspension is immediately stayed upon several terms and conditions including Dr. Weston shall not perform outpatient surgery procedures, including but not limited to dilation and evacuation procedures.

WHITE, Dale E., PA

Location: Knightdale, NC (Wake Co)

License#: 000101583

Cause: Mr. White treated three patients with chief medical complaints related to chronic pain as well as other medical conditions. He did not appropriately manage the chronic pain and other conditions of these patients. Also, Mr. White obtained \$2,500 from a fourth patient. He has taken steps to assure that the money was returned to the patient.

Action: 02/19/2010. Consent order executed. Mr. White's license is suspended for one year. This suspension is immediately stayed, except a period of 30 days, March 1 to March 31, 2010. He will be on probation for the remainder of the stayed suspension period. He must comply with other conditions.

WILSON, Wayne Vincent, MD

Location: Hickory, NC (Catawba Co)

License#: 000033444 | Specialty: FP (as reported by physician)

Cause: Three patients saw Dr. Wilson with stated histories of current opioid abuse and dependence. All received cursory initial evaluations at the clinic where Dr. Wilson practiced and brief follow-up visits by him. Neither Dr. Wilson nor the clinic where he practiced were certified as an Opioid Treatment Program under federal law and therefore such prescribing violated federal law. Dr. Wilson began a fourth patient on an initial daily methadone dose of 50 mg per day which is a potentially lethal dose, particularly in an 18-year-old without documented tolerance and dependence. His medical records also lacked appropriate documentation.

Action: 02/18/2010. Consent order executed. Dr. Wilson's license to practice medicine and surgery is suspended for six months, however such suspension is stayed. His license to practice medicine is placed on probation for six months with the several conditions that include attending a medical record keeping course, attending a CME course on prescribing medications and not prescribing methadone to his patients for any reason.

WINN, Michael John, PA-C

Location: Fayetteville, NC (Cumberland Co)

License #: 001000472

Cause: Mr. Winn worked for Family Weight Loss Center, a business that provided medical services to patients to help them lose weight. As a general rule, a company that provides medical services in North Carolina must be owned in its entirety by licensed physicians or a permissible combination of licensed health care providers. If a hearing were held in this matter, the Board is prepared to present testimony and/or other evidence that by providing medical services at FWLC, Mr. Winn aided and abetted the unlicensed practice of medicine. Several of his patient charts included instances where the documentation of care was below standards of acceptable and prevailing medical practice. Mr. Winn authorized prescriptions for a patient and for a family member without documentation in the patient's chart. Mr. Winn has no prior history with the Board.

Action: 02/02/2010. Consent order executed. Mr. Winn is reprimanded.

MISCELLANEOUS ACTIONS

NONE

DENIALS OF RECONSIDERATION/MODIFICATION

NONE

DENIALS OF LICENSE/APPROVAL

LIN, Jefferson Bo-Zi, MD

Location: Tempe, AZ

Specialty: Anatomic/Clinical Pathology (as reported by physician)

Cause: Dr. Lin provided false information on his application for a NC license. He did not disclose that on October 2, 2008, a complaint was filed against him with the Colorado State Board of Medical Examiners. This complaint was filed when he was applying for a Colorado medical license. The Colorado Board opened an investigation on Dr. Lin on January 2009 and issued him a "stipulated" license with a \$3,000 fine. He then requested to withdraw his Colorado application and the Colorado Board granted the request.

Action: 02/17/2010. Denial letter. Dr. Lin's application for a NC medical license is denied.

SURRENDERS

GERLACH, David Campbell, MD

Location: Burlington, NC (Alamance Co)

License #: 009500591 | Specialty: Emergency Medicine (as reported by physician)

Action: 01/27/2010. Voluntary surrender of NC medical license.

OGILVIE, James William, PA

Location: Raeford, NC (Hoke Co)

License#: 00010326

Action: 02/23/2010. Voluntary surrender of NC physician assistant license.

QUILLEN, Rocky C., PA

Location: Supply, NC (Brunswick Co)

License #: 000102450

Action: 02/08/2010. Voluntary surrender of NC physician assistant license.

SMITH, Bryan Dorsey, MD

Location: Durham, NC (Durham Co)

License #: 200201531

Action: 01/08/2010. Voluntary surrender of NC medical license.

See Consent Orders

TOOLE, James Eugene, PA

PUBLIC LETTERS OF CONCERN

ADAMS, George Liell, MD

Location: Raleigh, NC (Wake Co)

License#: 200301437 | Specialty: IM (as reported by physician)

Cause: The Board has reviewed Dr. Adams' prescribing of medication to family members without maintaining proper medical records. The Board believes that except for minor illnesses and emergencies, physicians should not treat or prescribe for their family members.

Action: 02/17/2020. Public letter of concern issued.

BOLAR, Randall Jay, MD

Location: Clarksville, TN

License #: 000028735 | Specialty: General Surgery (as reported by physician)

Cause: The NC Medical Board reviewed information regarding action taken against Dr. Bolar's Ohio medical license where he was reprimanded, placed on probation and required to complete continuing medical education. The Ohio board's action was based on the fact that Dr. Bolar did not timely report a 2003 malpractice litigation settlement and a 2006 six day hospital privilege suspension. Dr. Bolar's NC medical license has been inactive since November 2008. Should he seek reactivation, the Ohio board action may be taken into account, along with other facts and circumstances, to determine whether to grant reactivation of his NC medical license.

Action: 01/22/2010. Public letter of concern issued.

BREWER, Thomas Edmund Jr., MD

Location: High Point, NC (Guilford Co)

License#: 000028141 | Specialty: GP/EM (as reported by physician)

Cause: The NC Medical Board reviewed information regarding the ownership of MedComp doing business as Randleman Medical Center, a practice owned by Dr. Brewer. The Board is concerned that Dr. Brewer was a part owner of MedComp, a medical corporation that conducted business under the name Randleman Medical Center in violation of a Board rule, that he owned the medical center with a non-physician in violation of the corporate

practice of medicine doctrine and did not divest his ownership of MedComp after his medical license was revoked in October 2007.

Action: 02/24/2010. Public letter of concern issued.

CALOGERO, Thomas John III, MD

Location: Granite Falls, NC (Caldwell Co)

License #: 200501817 | Specialty: Family Medicine (as reported by physician)

Cause: Dr. Calogero prescribed to two individuals, one of whom he had a significant emotional relationship, without first performing a physical examination or documenting the prescription. The conduct occurred after the Board requested that he take a continuing medical education course on responsible prescribing.

Action: 01/06/2010. Public letter of concern issued.

CARLSON, John Ellert, MD

Location: Beachwood, Ohio

License #: 201000170 | Specialty: Diagnostic Radiology (as reported by physician)

Cause: Dr. Carlson failed to disclose on his application for a North Carolina license that he was placed on probation during his surgical residency.

Action: 02/04/2010. Public letter of concern issued.

DANIEL, Michael Page, MD

Location: Burlington, NC (Alamance Co)

License #: 000034967 | Specialty: Urology (as reported by physician)

Cause: The Board is concerned that Dr. Daniel has failed on several occasions to provide full and complete medical records in a timely manner. He is encouraged to improve his responsiveness to his patients' requests for copies of their medical records.

Action: 02/17/2010. Public letter of concern issued.

DUBINSKI, Mark Anthony, MD

Location: Henderson, NC (Vance Co)

License#: 000035114 | Specialty: Gastroenterology/IM (as reported by physician)

Cause: The Board has reviewed Dr. Dubinski's prescribing of medication to family members. The Board believes that except for minor illnesses and emergencies, physicians should not treat or prescribe for their family members.

Action: 02/16/2010. Public letter of concern issued.

GRANT, Dorrette, MD

Location: Fayetteville, NC (Cumberland Co)

License #: 200000063 | Specialty: OBGYN (as reported by physician)

Cause: Dr. Grant attempted a cesarean delivery on a patient after a failed attempt to induce labor. At the time of the surgery, it was discovered that the patient was not pregnant. Dr. Grant was one of several physicians involved in the diagnosis and care of the patient.

Action: 01/20/2010. Public letter of concern issued.

GESZLER, Gerianne, MD

Location: Fayetteville, NC (Cumberland Co)

License #: 000030552 | Specialty: OBGYN (as reported by physician)

Cause: The Board is concerned that Dr. Geszler's management of a patient's pseudocyesis may have fallen below the standard of care. In November 2008, Patient A underwent a cesarean section after a failed attempt at labor. It was discovered at the time of surgery that Patient A wasn't pregnant. Dr. Geszler was one of several physicians involved in the diagnosis and care of Patient A. The initial diagnosis was made by resident physicians under Dr. Geszler's supervision.

Action: 01/04/2010. Public letter of concern issued.

JENKINS, Larry Parker, MD

Location: Albemarle, NC (Stanly Co)

License#: 000017874 | Specialty: Ophthalmology (as reported by physician)

Cause: The Board is concerned that Dr. Jenkins diagnosed a patient on November 2005 with a retinal hemorrhage

and did not refer the patient to a retinal specialist and/or order a B-scan ultrasound of the patient's eye at his initial visit. Dr. Jenkins claimed to have advised the patient to seek a second opinion, and following his second visit, referred him to a retinal specialist, but the patient medical records do not reflect such a referral.
Action: 02/10/2010. Public letter of concern issued.

LAPP, Kathleen Green, MD

Location: Chapel Hill, NC (Orange Co)

License#: 200000250 | Specialty: Psychiatry (as reported by physician)

Cause: The Board is concerned that Dr. Lapp improperly affixed a patient's signature on a Release of Information form. In issuing a letter of concern, the Board took into consideration that Dr. Lapp had erroneously believed she had already obtained the patient's signature on the form and has no prior disciplinary history with the Board.

Action: 02/16/2010. Public letter of concern issued.

LEHMAN, William Louis, MD

Location: Raleigh, NC (Wake Co)

License #: 200600954 | Specialty: Vascular Surgery (as reported by physician)

Cause: The Board is concerned of a claim made on Dr. Lehman's behalf regarding surgery on a patient's right index finger when the procedure should have been performed on the patient's right thumb. The Board notes that Dr. Lehman indicated that he discussed surgery at both locations, the surgical site was misplaced and obscured with tape and drapes and the time out procedure was rushed; all of which led to the error of the surgery occurring at the wrong site.

Action: 02/02/2010. Public letter of concern issued.

NORRIS, Clarence Eugene, MD

Location: Matthews, NC (Mecklenburg Co)

License#: 009401288 | Specialty: FP (as reported by physician)

Cause: The Board is concerned about Dr. Norris' record keeping. For one patient, it was difficult to follow the course of treatment from the records. There also were issues concerning selling supplements from his office. For another patient, the records were below the standard with few notes on treatments and plans.

Action: 02/22/2010. Public letter of concern issued.

OKOH, James Ikemefuna, MD

Location: Eden Prairie, MN

License #: 200701576 | Specialty: Diagnostic Radiology (as reported by physician)

Cause: In Florida, Dr. Okoh performed a wrong site surgery on a patient. After review by the Florida Department of Health, he executed a Settlement Agreement in April 2009. He received a letter of concern, paid a fine, and completed five hours of continuing medical education, presented a lecture on wrong site surgery and performed community service.

Action: 01/13/2010. Public letter of concern issued.

SHADZEKA, Edwin, MD

Location: Hyattsville, MD

License #: 201000124 | Specialty: Internal Medicine (as reported by physician)

Cause: Dr. Shadzeka failed to respond accurately to a question on his NC license application. He answered "No" when asked whether he had ever been charged or convicted of a misdemeanor. In 2008, he was charged and pleaded guilty to a charge of driving while impaired in Maryland.

Action: 01/27/2010. Public letter of concern issued.

SHAPIRO, Mark Thomas, MD

Location: Greensboro, NC (Guilford Co)

License#: 000020509 | Specialty: Ophthalmology (as reported by physician)

Cause: The Board has reviewed Dr. Shapiro's prescribing of medication to family members. The Board believes that except for minor illnesses and emergencies, physicians should not treat or prescribe for their family members.

Action: 02/22/2010. Public letter of concern issued.

SMITH, Ronnie Dale, MD

Location: Florence, S.C.

License#: 000023878 | Specialty: GP (as reported by physician)

Cause: In June 2009, Dr. Smith left the Randleman Medical Center prior to the period he indicated in his resignation letter. This left his patients without physician coverage. The NC Medical Board is aware Dr. Smith had a compensation dispute with the owners of the practice; however, the dispute cannot interfere with obligations to maintain continuity of care for patients.

Action: 02/16/2010. Public letter of concern issued.

TANO, Benoit Deki Kovame, MD

Location: Fort Belvoir, VA

License#: 200301297 | Specialty: Allergy and Immunology (as reported by physician)

Cause: The NC Medical Board has reviewed the action taken by the Texas Medical Board, which resulted in an Agreed Order with the Texas Board on August 21, 2009. Dr. Tano, who was employed by the Roby Institute, used the institute's standard medical records for thyroid work-ups which were found to be inadequate. He did attempt to alleviate the adequacy issues contained in the medical records.

Action: 02/24/2010. Public letter of concern issued.

YAGGER, Scott David, DO

Location: Land O'Lakes, FL.

License #: 200800677 | Specialty: EM (as reported by physician)

Cause: Dr. Yagger treated a patient with chest pains in the emergency room. The patient had a history with multiple cardiac risk factors. Dr. Yagger ordered cardiac enzymes and an electrocardiogram, but he failed to appreciate the significance of the findings. The patient was diagnosed with esophagitis, started on Prevacid, and discharged. Seventeen days later, the patient returned to the emergency room. An ECG then was consistent with anterior ST elevation myocardial infarction. The patient went into cardiogenic shock and died.

Action: 01/14/2010. Public letter of concern issued.

COURT APPEALS/STAYS

NONE

CONSENT ORDERS LIFTED

ADELMAN, Richard D., MD

Location: Raleigh, NC (Wake Co)

License#: 000029996 | Specialty: FP (as reported by physician)

Cause: Dr. Adelman requested that he be relieved of all obligations contained in the consent order he entered into with the Board on March 23, 2009.

Action: 02/10/2010. Order. Dr. Adelman is relieved of all continuing obligations contained in the consent order.

CHAVIS, Robert Michael, PA

Location: Raeford, NC

License#: 000101956

Cause: Mr. Chavis entered into a consent order February 21, 2007. In July 2009, the Board entered an order relieving Mr. Chavis of certain consent order obligations. In November 2009, he requested the Board execute an order relieving him of his remaining consent order obligations.

Action: 02/26/2010. Order. Mr. Chavis is relieved of certain consent order obligations except that he must request prior approval by the Board president when requesting a change in his supervising physician.

TORRES, Rafael Guillermo, MD

Location: Raleigh, NC (Wake Co)

License #: 009901342 | Specialty: FP (as reported by physician)

Cause: In December 2009, Dr. Torres submitted letter to the Board requesting he be relieved of all obligations contained in the consent order he entered into with the Board on September 19, 2009.

Action: 02/09/2010. Order. Dr. Torres is relieved of all continuing obligations contained in the consent order.

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

DISMISSALS

SHANTON, Gregory D., PA

Location: Morehead City, NC (Carteret Co)

License #: 000101943

Cause: The Board filed a Notice of Charges and Allegations, Notice of Hearing against Mr. Shanton on April 6, 2004.

Action: 01/05/2010. Order. The Board dismisses without prejudice the Notice of Charges and Allegations, Notice of Hearing.

REENTRY AGREEMENTS

MORETZ, Katherine Clark, PA

Location: Asheville, NC (Buncombe Co)

License #: 000100573

Cause: Ms. Moretz has not practice as a physician assistant since 1991 and acknowledges the need to complete a program of reentry into the practice as a physician assistant.

Action: 02/02/2010. Program of reentry executed. Ms. Moretz shall undertake a plan of reentry that shall consist of a period of mentoring by Dr. David Glenn Jr.

SLADEK-LAWSON, Rosemarie, MD

Location: Greensboro, NC (Guilford Co)

License #: 2009-01991

Cause: Dr. Sladek-Lawson has not practiced clinical medicine since May 2006 and acknowledges the need to complete a program of reentry.

Action: 2/10/2010. Program of reentry executed. Dr. Sladek-Lawson shall undertake a plan of reentry that shall consist of a period of mentoring by Dr. Kathleen Lucas.

RUDICIL, Harold Scott, PA

Location: Winston-Salem, NC (Forsyth Co)

License #: 000101579

Cause: Mr. Rudicil has not practiced as a physician assistant since May 2007 due to an injury that he has recovered from. His license has been inactive since December 2007. Mr. Rudicil admits being out of active practice as a PA between May 2007 and the present time indicates a need to successfully complete a program of reentry.

Action: 01/26/2009. Reentry agreement. Mr. Rudicil is issued a license to practice as a PA. He shall undertake a program of reentry that shall consist of a period of continued mentoring from September 2009 to July 2010 by Gary Pohling, MD. Dr. Poehling shall serve as Mr. Rudicil's mentor and provide the Board with letters that describe his mentoring and make an assessment of MR. Rudicil's competency.