

NORTH CAROLINA MEDICAL BOARD
Board Orders/Consent Orders/Other Board Actions
January-February 2004

DEFINITIONS:

Annulment:

Retrospective and prospective cancellation of the authorization to practice.

Conditions:

A term used for this report to indicate restrictions or requirements placed on the licensee/licensee.

Consent Order:

An order of the Board and an agreement between the Board and the practitioner regarding the annulment, revocation, or suspension of the authorization to practice or the conditions and/or limitations placed on the authorization to practice. (A method for resolving disputes through informal procedures.)

Denial:

Final decision denying an application for practice authorization or a motion/request for reconsideration/modification of a previous Board action.

NA:

Information not available.

NCPHP:

North Carolina Physicians Health Program

RTL:

Resident Training License.

Revocation:

Cancellation of the authorization to practice.

Summary Suspension:

Immediate temporary withdrawal of the authorization to practice pending prompt commencement and determination of further proceedings. (Ordered when the Board finds the public health, safety, or welfare requires emergency action.)

Suspension:

Temporary withdrawal of the authorization to practice.

Temporary/Dated License:

License to practice medicine 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 Dismissal:

Board action dismissing a contested case.

Voluntary Surrender:

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

ANNULMENTS

NONE

REVOCATIONS

McCONVILLE, Robert N., Physician Assistant

Location: Shalotte, NC (Brunswick Co)
DOB: 12/23/1968
License #: 0001-02280
PA Education: Gannon University (1993)
Cause: Mr McConville was convicted of a felony in Monroe County and Brighton Town Court, New York, on or about 5/13/1996.
Action: 2/04/2004. Entry of Revocation issued: Mr McConville's PA license is revoked.

SUSPENSIONS

See Consent Orders:

EATON, Hubert Arthur, Jr, MD
HARBIEH, Jamil George, Physician Assistant
KEITH, Douglas Charles, MD
LESZCZYNSKI, Donald Brian, MD
MILES, Martha Cope, MD
TAUB, Harry Evan, MD
THOMPSON, Jill Ellen, MD

SUMMARY SUSPENSIONS

NONE

CONSENT ORDERS

BALL, Alan Ray, Physician Assistant

Location: Hayesville, NC (Clay Co)
DOB: 8/15/1955
License #: 0001-01778
PA Education: Emory University (1979)
Cause: At the time he began treating patients in June 2000 at his clinic in Hayesville, Mr Ball did not have a supervising physician as required by law. He did not receive Board approval for a supervising physician until October 2000 nor did he have a statement of supervisory arrangements with a supervising physician on site.
Action: 2/26/2004. Consent Order executed: Mr Ball is reprimanded; he shall obey all laws and notify the Board within 10 days of change in his residence or practice address.

BUZZANELL, Charles Anton, MD

Location: Asheville, NC (Buncombe Co)
DOB: 9/23/1956
License #: 0098-00481
Specialty: AN/APM (as reported by physician)
Medical Ed: Georgetown University School of Medicine (1984)
Cause: To amend the Consent Order of September 2003 that reissued Dr Buzzanell's medical license, which he surrendered on 11/01/2002. In September 2002, Patient A, who has a physician-patient relationship with Dr Buzzanell presented to the ER at Pardee Hospital in Hendersonville with suicidal ideations. Dr Buzzanell authorized the ER physician to admit Patient A, but later failed to remember, and denied, he had authorized admission of Patient A. He prescribed his memory loss to his failure to take his prescribed medication. Patient B, who had a patient-physician relationship with Dr Buzzanell, had a history of lung cancer and, in September 2002, Dr Buzzanell performed an intrathecal pump revision on Patient B at Pardee Hospital. Patient B died the

following day, leading to a conversation between Dr Buzzanell and the medical examiner, Dr Rholl. Dr Rholl believed Dr Buzzanell was less than forthcoming in discussing Patient B's surgery and said she would have ordered an autopsy had she obtained information she now believes she has regarding the surgery. Dr Buzzanell surrendered his license on 11/01/2002. He has now successfully completed evaluation and treatment at Ridgeview Institute for attention-deficit/hyperactivity disorder NOS and has continued his treatment on an outpatient basis. He has a contract with the NCPHP and the NCPHP reports he is compliant.

Action: 1/10/2004. Consent Order executed: Dr Buzzanell's license is reissued to expire on the date shown on the license; he shall limit his practice to no more than 40 hours a week; he shall restrict privileges to one local hospital; he shall not implant intrathecal pumps or spinal column stimulators and tunneled catheter systems; he shall continue his treatment with his health care providers, therapists, and support groups; he shall maintain and abide by a contract with the NCPHP; must comply with other conditions.

EATON, Hubert Arthur, Jr, MD

Location: Wilmington, NC (New Hanover Co)

DOB: 5/25/1943

License #: 0000-17858

Specialty: IM (as reported by physician)

Medical Ed: Meharry Medical College (1969)

Cause: Dr Eaton prescribed an excessive dosage of Adderrall XR® to a nine-year-old child and the child was subsequently found to suffer from side effects of that dosage, including anorexia, sedation, and insomnia. Also, Dr Eaton admits he gave his wife prescriptions he had written for large quantities of hydrocodone and Adderrall XR®, prescriptions written to someone else. His wife presented those prescriptions to numerous pharmacies in the Wilmington area. Dr Eaton admits his purpose was to obtain controlled substances for his own use. In February 2003, Mrs Eaton obtained 360 dosage units of hydrocodone and 120 of Adderrall XR® from four different pharmacies. In August 2003, Dr Eaton was convicted in New Hanover County District Court of two counts of misdemeanor Obtaining Controlled Substances by Fraud and was placed on supervised probation for two years. In 2000, Dr Eaton diverted drug samples for his own use. He also ingested controlled substances containing hydrocodone during office hours. He also routinely advised his staff to issue prescriptions for controlled substances to patients for their payment of a \$55 fee. He did not perform adequate examinations of those patients. He routinely pre-signed prescriptions and failed to maintain adequate patient records. In July 1999, New Hanover Regional Medical Center notified the Board that Dr Eaton had voluntarily relinquished his hospital privileges for the third time in a calendar year due to delinquent medical records. In July 2000, the Board was notified Dr Eaton had been decertified by Blue Cross-Blue Shield for failure to meet minimum medical record standards. In July 2001, United Healthcare notified the Board it had terminated Dr Eaton from its provider network. Dr Eaton was summarily suspended by the Board in May 2003. In January 2004, Dr Eaton completed a 12-week residential substance abuse program at the Farley Center in Williamsburg, VA, and signed a five-year contract with the NCPHP.

Action: 2/19/2004. Consent Order executed: Dr Eaton's license is suspended indefinitely, suspension being retroactive to May 15, 2003, and continuing indefinitely; he shall not reapply for at least one year from the date of his suspension; he shall surrender his DEA license and shall not prescribe controlled substances until authorized by the Board.

HARBIEH, Jamil George, Physician Assistant

Location: Wilson, NC (Wilson Co)

DOB: 9/25/1967

License #: 0001-03978

PA Education: Alderson Broaddus College (2003)

Cause: On his application for a PA license in October 2003, Mr Harbieh answered "no" to a question asking if he had ever been convicted of, pled guilty to, pled no contest to, or received a prayer for judgment to a violation of law. However, in 1987, he had pled guilty to a misdemeanor retail theft charge in Pennsylvania. In an interview with the Board, he explained this failure to disclose the

information was unintentional. The matter involved a single item not rung up properly when checking out of a retail store. He was 19 at the time and had come to the United States quite recently. His English was not adequate to explain the situation to store personnel. A relative advised him to simply pay the fine and put the matter behind him. He did not recall the incident until December 2003 when traveling to Pennsylvania.

Action: 2/18/2004. Consent Order executed: Mr Harbieh is granted a full and unrestricted license as a physician assistant. That license is suspended for 30 days, suspension being stayed on condition that he abide by all rules and regulations relating to his function as a PA.

KEITH, Douglas Charles, MD

Location: Garner, NC (Wake Co)

DOB: 3/08/1951

License #: 0000-30184

Specialty: FP/OM (as reported by physician)

Medical Ed: Universidad Autonoma Guadalajara, Mexico (1981)

Cause: In the summer of 2002, Dr Keith altered the medical record of several patients who had been examined by his PA. He added check marks to the examination template sheet for specific examinations the PA had not performed. In March 2002, a patient presented to Dr Keith for evaluation of injuries she advised his staff she received after being involved in a motor vehicle accident. Subsequently, Dr Keith made an entry in the patient's record that was inconsistent with the prior entry made by his office staff concerning the etiology of the patient's pain.

Action: 2/18/2004. Consent Order executed: Dr Keith's license is suspended for 60 days, that suspension being stayed immediately.

KLING, Timothy George, MD

Location: Nags Head, NC (Dare Co)

DOB: 4/08/1944

License #: 0096-00591

Specialty: OBG (as reported by physician)

Medical Ed: University of Iowa (1971)

Cause: Dr Kling was reprimanded under a Consent Order issued by the Illinois Board in 2003 and he was ordered to complete 30 hours of Category I CME in fetal emergencies. This action was based on information that Dr Kling allegedly failed to perform a timely caesarian section, resulting in injuries to a newborn infant.

Action: 1/22/2004. Consent Order executed: Dr Kling is reprimanded; he shall comply in all respects with the Illinois Consent Order; must comply with other conditions.

LESZCZYNSKI, Donald Brian, MD

Location: Calabash, NC (Brunswick Co)

DOB: 4/14/1960

License #: 2001-00257

Specialty: IM (as reported by physician)

Medical Ed: Pennsylvania State University (1986)

Cause: Dr Leszczynski surrendered his license on 8/13/2001 after he was arrested and charged with obtaining a controlled substance by fraud in South Carolina. He was convicted on that charge in March 2002 and placed on two years probation.

Action: 1/22/2004. Consent Order executed: Dr Leszczynski's medical license is suspended indefinitely retroactive to 8/13/2001.

MILES, Martha Cope, MD

Location: Sanford, NC (Lee Co)

DOB: 8/12/1953

License #: 0000-35989

Specialty: N (as reported by physician)

Medical Ed: University of Oklahoma (1988)

Cause: Relative to the Notice of Charges and Allegations of 9/17/2003. Dr Miles has not always kept accurate inventories of controlled substances she purchased for administration to patients in her office. On rare occasion, Dr Miles has left pre-signed prescriptions with her nurse so that, in Dr Miles' absence and after checking with her or her record of the patient's care, the nurse could reauthorize prescriptions. On one occasion, Dr Miles prescribed for her husband and daughter without keeping a record and without coordinating the prescribing with their regular physicians. These actions constitute unprofessional conduct. Dr Miles has signed a contract with the NCPHP and the NCPHP reports she has complied with that contract.

Action: 1/15/2004. Consent Order executed: Dr Miles' license is suspended for 12 months; suspension is stayed immediately on conditions: she shall maintain and abide by a contract with the NCPHP, she shall successfully complete the Vanderbilt University Prescribing for Controlled Substances course, she shall continue treatment with a psychiatrist approved by the NCPHP and shall authorize that psychiatrist to share information about her with the Board, she shall continue in the care of the Duke or UNC pain centers, she shall practice no more than eight hours a day and no more than 30 hours a week, and she shall completely abstain from prescription medicine unless lawfully prescribed by her primary physician or psychiatrist and approved by the NCPHP; must comply with other conditions.

TAUB, Harry Evan, MD

Location: Chapel Hill, NC (Orange Co)
DOB: 11/24/1970
License #: Resident Training License
Specialty: P (as reported by physician)
Medical Ed: Dartmouth Medical School (2001)
Cause: Relative to the Notice of Charges and Allegations of 9/10/2003. After issuance of his RTL, Dr Taub became addicted to controlled substances legitimately prescribed for his wife. In April 2003, Durham County Sheriff's Department officers and agents from the DEA searched Dr Taub's residence after obtaining information from a pharmacist that Dr Taub had obtained controlled substances under a false name. During the search of his residence, Dr Taub admitted to the officers and agents that he had been writing prescriptions for himself for about a year. As a result of his candid admission, formal charges were delayed pending Dr Taub's hospitalization for addiction. When he was released from treatment, he contacted Durham law enforcement authorities and accepted service of one felony count. On July 17, 2003, he was arrested and charged. In September, Dr Taub entered into a deferral agreement in Durham County District Court that placed him on supervised probation. The Court agreed that if he followed his treatment plan and submitted to drug testing for a year, charges would be dismissed and his record expunged. The NCPHP advocates for Dr Taub.

Action: 1/22/2004. Consent Order executed: Dr Taub's medical license is suspended indefinitely; such suspension is stayed subject to conditions and terms stated in the Consent Order; Dr Taub shall abide by all laws and rules; he shall maintain and abide by a five-year contract with the NCPHP; at the Board's request, he shall supply bodily fluids and tissues for drug testing; he shall give a copy of the Consent Order to all current and prospective employers; unless lawfully prescribed for him by someone else, he shall refrain from the use or possession of mind- or mood-altering substances and all controlled substances; he shall notify the Board within 10 days of his use of such medication and shall identify the prescribing physician and the pharmacy filling the prescription; must comply with other conditions.

THOMPSON, Jill Ellen, MD

Location: Gastonia, NC (Gaston Co)
DOB: 3/31/1954
License #: 0093-00608
Specialty: R/RNR (as reported by physician)
Medical Ed: University of North Carolina School of Medicine (1991)
Cause: On inappropriate prescribing of medications. From April through June 2002, Dr Thompson wrote prescription refills to a close relative for hydrocodone and other medications without keeping a medical record. In June and July 2002, Dr Thompson wrote prescriptions to another family

member for hydrocodone and other medications without examining him or keeping a medical record. Several other instances of similarly inappropriate prescribing for relatives and friends occurred in 2002. These prescriptions were all written outside the scope of Dr Thompson's practice as a diagnostic radiologist. The foregoing constitutes unprofessional conduct.

Action: 1/22/2004. Consent Order executed: Dr Thompson's license is suspended for 60 days, which suspension is immediately stayed. Dr Thompson agrees not to prescribe to family members or others with whom she has a close personal relationship and shall not prescribe outside the scope of her medical practice.

MISCELLANEOUS ACTIONS

NONE

DENIALS OF RECONSIDERATION/MODIFICATION

AMIR, Guy J., MD

Location: Royal Palm Beach, FL
DOB: 6/24/1971
License #: NA
Specialty: NA
Medical Ed: Fatima, Philippines (1997)
Cause: In July 2003, the Board voted to deny Dr Amir's request to withdraw his application for a license and to deny his application for a license. At a hearing on 11/20/2003, the Board again considered the issues at Dr Amir's request. It found that substantial evidence exists to support the Board's denial of Dr Amir's application for a license based on his failure to provide the Board evaluations of his postgraduate training within a reasonable time and in a reasonable manner.

Action: 1/13/2004. Findings of Fact, Conclusions of Law, and Order issued: the Board's previous denial of Dr Amir's application for a medical license was proper and shall remain in effect.

DENIALS OF LICENSE/APPROVAL

DEBNAM, George Clyde, MD

Location: Raleigh, NC (Wake Co)
DOB: 11/05/1927
License #: 0000-8749
Specialty: FP/OBG (as reported by physician)
Medical Ed: Meharry Medical College (1951)
Cause: Dr Debnam failed to satisfy the Board of his qualifications for a license.
Action: 1/06/2004. Letter issued denying Dr Debnam's application for a medical license.

MACKEY, William Frederick, Jr, MD

Location: Wilmington, NC (New Hanover Co)
DOB: 10/20/1944
License #: 0000-19801
Specialty: CHP/P (as reported by physician)
Medical Ed: University of Tennessee, Memphis, College of Medicine (1969)
Cause: Matters discussed with him during an interview in January led the Board to deny his application. He is advised to contact the NCPHP prior to making reapplication.
Action: 2/03/2004. Letter issued denying Dr Mackey's application for a medical license. [Dr Mackey has requested a hearing on this denial.]

ROSNER, Michael John, MD

Location: Hendersonville, NC (Henderson Co)
DOB: 12/04/1946
License #: 0000-26865
Specialty: NS/NCC (as reported by physician)
Medical Ed: Virginia Commonwealth University School of Medicine (1972)

Cause: In the Board's Findings of Fact, Conclusions of Law, and Order of Discipline of 2/05/2003, Dr Rosner was found to have engaged in unprofessional conduct by performing surgery not medically indicated. Denial is based on that determination.

Action: 2/16/2004. Letter issued denying Dr Rosner's application for reinstatement of his license. [Dr Rosner has requested a hearing on this denial.]

SURRENDERS

GRODER, Martin Gary, MD

Location: Chapel Hill, NC (Orange Co)
DOB: 11/15/1939
License #: 0000-18262
Specialty: P (as reported by physician)
Medical Ed: Columbia University (1964)
Action: 1/28/2004. Voluntary surrender of medical license.

JACOBS, Kenneth Lee, MD

Location: Faison, NC (Duplin Co)
DOB: 7/26/1959
License #: 0096-00953
Specialty: OBG (as reported by physician)
Medical Ed: University of North Carolina School of Medicine (1992)
Action: 2/02/2004. Voluntary surrender of medical license.

NGUYEN, Tuong Dai, MD

Location: Charlotte, NC (Mecklenburg Co)
DOB: 4/11/1967
License #: 2000-00566
Specialty: IM (as reported by physician)
Medical Ed: Temple University (1996)
Action: 2/02/2004. Voluntary surrender of medical license.

TYLER, Brent Joseph, MD

Location: Durham, NC (Durham Co)
DOB: 10/01/1975
License #: RTL
Specialty: AN (as reported by physician)
Medical Ed: University of Illinois College of Medicine (2003)
Action: 1/15/2004. Voluntary surrender of resident training license.

COURT APPEALS/STAYS

NONE

CONSENT ORDERS LIFTED

McINTOSH, John Clarke, MD

Location: Hendersonville, NC (Henderson Co)
DOB: 7/16/1956
License #: 0000-36570
Specialty: PD/PDP (as reported by physician)
Medical Ed: Medical University of South Carolina (1981)
Action: 2/02/2004. Order issued lifting Consent Order of 10/18/2001.

SESSOMS, Rodney Kevin, MD

Location: Clinton, NC (Sampson Co)
DOB: 12/13/1961

License #: 0000-33927
Specialty: IM (as reported by physician)
Medical Ed: East Carolina University School of Medicine (1989)
Action: 2/11/2004. Order issued lifting Consent Order of 1/22/2003.

SHAFTNER, Kimberly K., MD

Location: Princeton, NC (Johnston Co)
DOB: 12/09/1954
License #: 0000-25426
Specialty: FP/ABS (as reported by physician)
Medical Ed: Ohio State University (1980)
Action: 1/06/2004. Order issued lifting Consent Order of 10/04/2000.

TEMPORARY/DATED LICENSES:

ISSUED, EXTENDED, EXPIRED, OR REPLACED BY FULL LICENSES

BREWER, Thomas Edmund, Jr, MD

Location: High Point, NC (Guilford Co)
DOB: 11/04/1956
License #: 0000-28141
Specialty: EM/OM (as reported by physician)
Medical Ed: Wake Forest University School of Medicine (1983)
Action: 2/19/2004. Temporary/dated license extended to expire 6/30/2004.

CARLSON, James Lennart, MD

Location: Cerro Gordo, NC (Columbus Co)
DOB: 11/20/1959
License #: 2002-00010
Specialty: FP (as reported by physician)
Medical Ed: Medical College of Wisconsin (1991)
Action: 2/19/2004. Temporary/dated license extended to expire 8/31/2004.

GOTTSCHALK, Bernard Joseph, MD

Location: Wilmington, NC (New Hanover Co)
DOB: 5/10/1955
License #: 0000-30162
Specialty: IM/ON (as reported by physician)
Medical Ed: University of Pittsburgh (1981)
Action: 1/22/2004. Temporary/dated license extended to expire 7/31/2004.

GUALTEROS, Oscar Mauricio, MD

Location: Aberdeen, NC (Moore Co)
DOB: 5/11/1964
License #: 0099-00236
Specialty: IM (as reported by physician)
Medical Ed: University of Navarra, Spain (1991)
Action: 1/22/2004. Temporary/dated license extended to expire 1/31/2005.

HEGE, Keith Jerome, Physician Assistant

Location: Yadkinville, NC (Yadkin Co)
DOB: 1/23/1956
License #: 0001-00981
PA Education: Bowman Gray (1986)
Action: 2/19/2004. Temporary/dated license extended to expire 8/31/2004.

KEEVER, Richard Alan, MD

Location: Greensboro, NC (Guilford Co)
DOB: 6/11/1941
License #: 0000-16400
Specialty: OTO (as reported by physician)
Medical Ed: University of North Carolina School of Medicine (1969)
Action: 1/22/2004. Temporary/dated license extended to expire 1/31/2005.

LEMAIRE, Pierre-Arnaud Paul, MD

Location: Wilson, NC (Wilson Co)
DOB: 3/24/1960
License #: 0000-39440
Specialty: GS/VS (as reported by physician)
Medical Ed: University of Medicine & Dentistry of New Jersey, R.W. Johnson Med School (1985)
Action: 2/19/2004. Temporary/dated license extended to expire 8/31/2004.

MASSENBURG, O'Laf Sorento, Physician Assistant

Location: Winston-Salem, NC (Forsyth Co)
DOB: 2/10/1960
License #: 0001-01117
PA Education: Bowman Gray (1988)
Action: 1/22/2004. Full and unrestricted PA license issued.

McCLELLAND, Scott Richard, DO

Location: Wilmington, NC (New Hanover Co)
DOB: 7/19/1948
License #: 0000-29064
Specialty: P (as reported by physician)
Medical Ed: Kirksville College of Osteopathy (1980)
Action: 2/19/2004. Temporary/dated license extended to expire 8/31/2004.

STROUD, Joan Marie, Physician Assistant

Location: Gastonia, NC (Gaston Co)
DOB: 4/24/1956
License #: 0001-01476
PA Education: University of Pennsylvania (1980)
Action: 2/19/2004. Temporary/dated license extended to expire 8/31/2004.

THOMPSON, Robert Bruce, MD

Location: Charlotte, NC (Mecklenburg Co)
DOB: 2/29/1956
License #: 0000-40006
Specialty: N/EM (as reported by physician)
Medical Ed: University of Miami School of Medicine (1987)
Action: 2/19/2004. Temporary/dated license extended to expire 6/30/2004.

See Consent Orders:

BUZZANELL, Charles Anton, MD**DISMISSALS**

NONE