

NORTH CAROLINA MEDICAL BOARD
Board Orders/Consent Orders/Other Board Actions
January-February 2005

DEFINITIONS:

Annulment:

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

Conditions:

A term used in this report 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 the authorization to practice, or the conditions placed on the 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:

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

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 the authorization to practice. Authorization may not be reissued for at least two years.

Stay:

The full or partial stopping or halting of a legal action, such as a suspension, on certain stipulated grounds.

Summary Suspension:

Immediate withdrawal of the 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 the 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 the 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

NONE

SUSPENSIONS

See Consent Orders:

BRAY, Anthony David, MD
JAWA, Gurpreet Singh, MD
WHITE, Anne Litton, MD
WILLIAMS, Dwight M., MD

SUMMARY SUSPENSIONS

NONE

CONSENT ORDERS

BLEVINS, Douglas Dane, MD

Location: Durham, NC (Durham Co)

DOB: 8/31/1950

License #: 2005-00141

Specialty: IM (as reported by physician)

Medical Ed: University of Virginia School of Medicine (1976)

Cause: On the application of Dr Blevins for a North Carolina medical license. In September 2003, Dr Blevins surrendered his Virginia medical license for suspension to the Virginia Board of Medicine to resolve allegations he had inappropriately touched a patient and had inappropriately prescribed for her. He has attended a three-day course at Vanderbilt on "Maintaining Proper Boundaries," has been evaluated by Drs Gullick and Norris, and is receiving counseling about professional boundaries from Dr Norris. In July 2004, Virginia reinstated his license on probation. He now resides in North Carolina and has a contract with the NCPHP. He will continue his counseling with Dr Norris or another NCPHP approved counselor.

Action: 1/25/2005. Consent Order executed: Dr Blevins is issued a license to expire on the date shown on the license [2/06/2006]; he shall maintain and abide by a contract with the NCPHP; he shall continue his counseling and shall comply with all recommendations made by his therapist; he shall direct his therapist to report on his progress to the Board on a quarterly basis; he shall provide a copy of this Consent Order to all prospective employers; he shall ensure a chaperone, who has read this Consent Order, is present when he examines female patients; the chaperone shall document the chaperone's presence during the examination and record if any boundary violations or other misconduct occur; the chaperone's documentation shall be made available to Dr Blevins' therapist on a quarterly basis for inclusion in the therapist's report to the Board; Dr Blevins shall ensure every patient he sees receives a copy of the "Principles of Medical Practice" and that a copy of that statement is posted in his office; every three months, he shall ensure all patients seen in a one-week period are given a "Patient Satisfaction Survey" to complete; the "Survey" shall be provided to his therapist for inclusion in the therapist's quarterly report; each month, Dr Blevins shall ask three of his staff who have read this Consent Order to complete a "Staff Surveillance Form," which shall also be provided to his therapist for inclusion in the therapist's quarterly report; he must have written approval of his practice settings from the Board's president, which approval the president is not required to give; must comply with other requirements.

BRAY, Anthony David, MD

Location: Burlington, NC (Alamance Co)

DOB: 11/15/1961

License #: 0094-00023

Specialty: FP (as reported by physician)

Medical Ed: University of North Carolina School Medicine (1992)
Cause: Dr Bray treated Patient A, an employee of his practice, from about January 2001 through June 2003. In January 2002, he began an intimate and sexual relationship with Patient A, lasting until July 2003. In July 2003, he assaulted Patient A in his office and a warrant for his arrest was issued based on that conduct. He was charged with assault on a female and received a prayer for judgment on the charge. Dr Bray treated Patient A's husband, Patient B, from April 2002 through March 2003. In July 2003, Patient B discovered the sexual relationship between his wife and Dr Bray. In August 2003, Dr Bray unlawfully damaged the personal property of Patient B by shooting the tire on Patient B's truck with a rifle. He was arrested for unlawfully discharging a firearm and damaging personal property. He received a prayer for judgment continued on the charge of injury to personal property and the charge of discharging a firearm in city limits was dismissed. In January 2004, the Board ordered Dr Bray to submit to an evaluation by the NCPHP and order that he cooperate fully with all evaluations and submit to further evaluations as deemed necessary by NCPHP. NCPHP previously evaluated Dr Bray and sent him a contract in January 2003 that required he obtain a comprehensive assessment at the Professional Renewal Center or other center approved by the NCPHP. Dr Bray signed that contract and obtained an assessment at the Professional Renewal Center in September 2004. The assessment resulted in a determination that Dr Bray suffers from depression but is not unfit to practice. Dr Bray established a relationship with a physician and is receiving psychiatric care for treatment of major depressive disorder and adult attention deficit disorder.

Action: 11/01/2004. Consent Order executed: Dr Bray's license is suspended for 18 months; suspension is stayed subject to conditions; he shall maintain and abide by a contract with the NCPHP; he shall maintain a relationship with an NCPHP approved therapist; he shall return to the Professional Renewal Center for reevaluation in March 2005; he shall complete a CME course titled "Maintaining Proper Boundaries" at Vanderbilt and provide the Board documentation of his successful completion of the course no later than November 2005; must comply with other conditions.

DeVIRGILIIS, Juan Carlos, MD

Location: Boone, NC (Watauga Co)
DOB: 8/29/1957
License #: 0000-28719
Specialty: FP/P (as reported by physician)
Medical Ed: Faculty of Medical Sciences, Nation University of La Plata (1982)
Cause: In February 1995, Dr DeVirgiliis began treating Patient A and during their physician-patient relationship he began a sexual relationship with Patient A. He continued to treat Patient A and to write prescriptions for controlled substances for Patient A. [He surrendered his North Carolina medical license in February 2003.] In January 2004, he completed a residential treatment program at the Farley center and he has entered a contract with the NCPHP.

Action: 1/13/2005. Consent Order executed: Dr DeVirgiliis is issued a license to expire on the date shown on the license [5/31/2005]; he shall maintain and abide by his NCPHP contract and comply with all related requirements; he shall meet with the Board as requested; he shall receive written approval of his current and future practice settings from the Board president, which the president is under no obligation to give; he shall work no more than 30 hours a week; he shall continue his therapy and his therapist shall provide quarterly reports of his progress to the Board; a female chaperone shall be present when he examines a female patient; must comply with other conditions.

GOLDBERG, Jeffrey Alan, MD

Location: Taylor, Michigan
DOB: 3/07/1951
License #: 0000-35904
Specialty: N/Pharm
Medical Ed: CETEC, Dominican Republic (1982)
Cause: In 2000, Dr Goldberg entered into a Consent Order with the Michigan Board of Medicine in which he was reprimanded for prescribing after he had inadvertently allowed his DEA registration to lapse.

Action: 1/03/2005. Consent Order executed: Dr Goldberg is reprimanded.

JAWA, Gurpreet Singh, MD

Location: Raleigh, NC (Wake Co)

DOB: 5/03/1966

License #: 0097-00298

Specialty: P (as reported by physician)

Medical Ed: University of North Carolina School of Medicine (1992)

Cause: In August 2004, the Board received information Patient A had a personal, romantic, sexual relationship with Dr Jawa during and after the time she was his patient. During investigation, Dr Jawa proved cooperative with the Board and admitted the relationship with Patient A, which extended from November 2000 to August 2001. In August 2001, he advised Patient A to see another psychiatrist, which she did. They continued their relationship, however. In March 2004, Patient A ended her relationship with Dr Jawa. When the Board became aware of the relationship, it requested Dr Jawa surrender his license, which he did in October 2004. He has entered a health care facility that specializes in assessing and treating physicians who have committed boundary violations.

Action: 2/17/2005. Consent Order executed: Dr Jawa's license is indefinitely suspended

KOMJATHY, Steven Ferenc, MD

Location: Leland, NC (Brunswick Co)

DOB: 5/19/1969

License #: 0097-01440

Specialty: IM/GPM (as reported by physician)

Medical Ed: University of Maryland School of Medicine (1996)

Cause: Application for restoration of license. Dr Komjathy has a history of alcohol abuse. He surrendered his license in March 2004. He and the Board entered into a Consent Order on 7/02/2004 indefinitely suspending his license. He met with the Board in January 2005 to discuss his license application. He has been a participant with the NCPHP and has undergone inpatient treatment for alcohol abuse. The NCPHP reports he is in compliance with its contract. In January 2005 he entered a Consent Order with the Georgia Board that indefinitely suspended his license, based on the previous action of the North Carolina Board.

Action: 2/10/2005. Consent Order executed: Dr Komjathy is issued a license to expire on the date shown on the license [9/30/2005]; he must notify the Board should he intend to resume practice in the state; unless lawfully prescribed by someone else, he shall refrain from the use of mind-or mood-altering substances, including alcohol, and he shall inform the Board within 10 days of such use, noting the prescriber and the pharmacy filling the prescription; at the Board's request, he shall supply bodily fluids or tissues to allow screening for use of such substances; he shall maintain and abide by a contract with the NCPHP; he must continue to attend AA and NA meetings; must comply with other conditions.

LOWE-HOYTE, Charmaine Pamela A., MD

Location: Hendersonville, NC (Henderson Co)

DOB: 7/15/1953

License #: 0000-33392

Specialty: P (as reported by physician)

Medical Ed: University of Birmingham, England (1976)

Cause: In 1997, Dr Lowe-Hoyte hired Ms Nancy Patterson to work at the Center for Change as a nurse practitioner. At that same time, Ms Patterson was notified by the North Carolina Board of Nursing that she was approved as a clinical nurse specialist, not as a nurse practitioner. Dr Lowe-Hoyte incorrectly assumed Ms Patterson was a nurse practitioner based on her education, experience, and background, but she took no steps to ensure Ms Patterson was approved in North Carolina as a nurse practitioner. Dr Lowe-Hoyte allowed Ms Patterson to perform as a nurse practitioner before receiving Medical Board acknowledgment that a Notification of Intent Form had been submitted to the Medical Board as required. By permitting Ms Patterson, a registered

nurse, to practice as a nurse practitioner at the Center for Change from 1997 to 2004 in violation of the rules governing nurse practitioners, Dr Lowe-Hoyte committed unprofessional conduct.
Action: 1/04/2005. Consent Order executed: Dr Lowe-Hoyte is reprimanded.

MAJOR, Patricia Tatum, MD

Location: Miami, FL
DOB: 3/15/1944
License #: 2005-0001
Specialty: IM (as reported by physician)
Medical Ed: New York University School of Medicine (1970)
Cause: As a result of continuing problems with substance abuse, Dr Major's Florida medical license was revoked in April 1988. She successfully completed seven years (1992-1999) of active monitoring under contract with Florida's Impaired Practitioners Program in 1999. Her Florida license was reinstated in 1995 and is currently in good standing.
Action: 1/11/2005. Non-Disciplinary Consent Order executed: Dr Major is issued a license to practice medicine and surgery in North Carolina.

NUNEZ, Santiago, MD

Location: Williamsburg, VA
DOB: 5/14/1931
License #: 0000-27624
Specialty: P/CHP (as reported by physician)
Medical Ed: University of Havana, Cuba (1956)
Cause: In June 2004, the Virginia Board of Medicine reprimanded Dr Nunez for inappropriately prescribing for and treating family members, co-workers, and himself; and for conviction for reckless driving.
Action: 1/14/2005. Consent Order executed: Dr Nunez is reprimanded.

VANDERWERF, Joseph Nelson, MD

Location: Hendersonville, NC (Henderson Co)
DOB: 4/09/1947
License #: 0000-19557
Specialty: FP/EM (as reported by physician)
Medical Ed: George Washington University (1973)
Cause: Dr Vanderwerf was arrested and convicted of driving while under the influence in 1998. In October 2003, he was arrested in Virginia by the U.S. Park Police for DUI, driving while impaired, reckless driving, and failure to stop. As a result of that arrest, in April 2004 he pled guilty to reckless driving. The other charges were dismissed, and he was fined \$300 and placed on probation for two years.
Action: 1/14/2005. Consent Order executed: Dr Vanderwerf is reprimanded.

WHITE, Anne Litton, MD

Location: Winston-Salem, NC (Forsyth Co)
DOB: 11/23/1954
License #: 0000-29552
Specialty: FP
Medical Ed: Indiana University (1980)
Cause: In several instances, Dr White's practice appeared to "upcode" office visits by billing for services that were not performed and by billing for services at a higher level than was medically justified. Further, Patient L specifically asked Dr White to give her injections of Perlane® and Restylane® for cosmetic reasons. Though neither Perlane® nor Restylane® was approved by the FDA for any purpose, Dr White complied with Patient L's request. Thereafter, the patient became dissatisfied and complained to the Board. During investigation, Dr White denied to the Board's investigator that she ever administered Perlane® and Restylane®. Dr White admits there is evidence from which the Board can find she did, in fact, administer Perlane® and Restylane® and that her denials were false. Further, Dr White has advertised in local media and on her Web site that she

practices dermatology. That advertising also states she is "Board Certified." However, she is not board certified in dermatology; she is certified in family medicine. Her use of the term "Board Certified" in her advertising creates the false impression that she is certified in dermatology. The Board has also received complaints including, but not limited to, inappropriate billing, improper use of untrained individuals performing cosmetic, medical procedures without proper supervision, and, on at least one occasion, having an unlicensed physician in her office assisting her during an office-based surgical procedure.

Action: 2/16/2005. Consent Order executed: Dr White's license is suspended for two years beginning 4/18/2005; said suspension is stayed for all but 60 days on terms and conditions; she shall submit to random audits of her billing records; she shall not advertise that she is "board certified" unless the ad notes clearly she is certified in family medicine; she shall not advertise her services in conjunction with any other physician who is board certified in a specialty other than family medicine unless it is clear she is only certified in family medicine; she shall not advertise her practice in the dermatology section of any directory of any kind; she shall certify within 30 days of this Consent Order and through an independent physician chosen by the Board that her office meets minimum standards for performing office-based surgeries, and any deficiencies shall be discussed with her and/or her staff, and if she fails to meet the certification requirement or fails to obtain an extension from the Board she shall cease to perform such procedures; all medical procedures must be performed by her or a licensed health care professional supervised by her while she is on site; she shall undergo an assessment by the NCPHP; must comply with other conditions.

WILLIAMS, Dwight Morrison, MD

Location: Roanoke Rapids, NC (Halifax Co)

DOB: 2/15/1952

License #: 0000-33577

Specialty: OBG (as reported by physician)

Medical Ed: University of North Carolina School of Medicine (1982)

Cause: Dr Williams has a history of substance abuse and substance abuse led him to voluntarily surrender his license in 2003. In closing his practice, he did not give his patients sufficient advance notice of the closing nor did he inform them how to get copies of or request transfer of their medical records.

Action: 1/07/2005. Consent Order executed: Dr Williams' medical license is suspended indefinitely.

ZIMMERMAN, James Robert, MD

Location: Atlanta, GA

DOB: 12/26/1960

License #: 2002-01209

Specialty: R (as reported by physician)

Medical Ed: University of Mississippi (1990)

Cause: In June 2004, the Mississippi Board entered into a Consent Order with Dr Zimmerman by which his Mississippi license was suspended, with a stay contingent on certain conditions. Mississippi had found that on his application for renewal in 2003 Dr Zimmerman had failed to disclose he was the subject of an investigation and disciplinary action by the Florida Board.

Action: 2/10/2005. Consent Order executed: Dr Zimmerman is reprimanded.

MISCELLANEOUS ACTIONS

NONE

DENIALS OF RECONSIDERATION/MODIFICATION

NONE

DENIALS OF LICENSE/APPROVAL

NONE

SURRENDERS

REEVES, Donna Faye, Physician Assistant

Location: Sparta, NC (Alleghany Co)
DOB: 11/28/1955
License #: 0001-01196
PA Education: Bowman Gray (1989)
Action: 1/05/2005. Voluntary surrender of North Carolina PA license.

COURT APPEALS/STAYS

NONE

CONSENT ORDERS LIFTED

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)
Action: 1/27/2005. Order issued lifting Consent Orders of 9/16/2003, 1/13/2004, and 8/03/2004.

TEMPORARY/DATED LICENSES:

ISSUED, EXTENDED, EXPIRED, OR REPLACED BY FULL LICENSES

BARBER, Robert Anthony, DO

Location: Morehead City, NC (Carteret Co)
DOB: 9/30/1954
License #: 2003-00222
Specialty: FP (as reported by physician)
Medical Ed: University of Health Sciences College of Osteopathic Medicine (1989)
Action: 1/20/2005. Temporary/dated license extended to expire 5/31/2005.

BREWER, Thomas Edmund, Jr, MD

Location: Denton, NC (Davidson Co)
DOB: 11/04/1956
License #: 0000-28141
Specialty: GP/EM (as reported by physician)
Medical Ed: Wake Forest University School of Medicine (1983)
Action: 1/20/2005. Temporary/dated license extended to expire 7/31/2005.

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)
Action: 1/20/2005. Full and unrestricted license issued.

FOLKERTS, AnnaMaria, Physician Assistant

Location: Elon, NC (Alamance Co)
DOB: 8/24/1961
License #: 0001-02206
PA Education: The College of West Virginia (1996)
Action: 1/01/2005. Temporary/dated license extended to expire 5/31/2005.

GUALTEROS, Oscar Mauricio, MD

Location: Southern Pines (Moore Co)
DOB: 5/11/1964
License #: 0099-00236
Specialty: IM (as reported by physician)
Medical Ed: University of Navarra, Spain (1991)
Action: 1/20/2005. Temporary/dated license extended to expire 1/31/2006.

HOOPER, Jeffrey Curtis, MD

Location: Greensboro, NC (Guilford Co)
DOB: 9/21/1964
License #: 0097-00286
Specialty: FP (as reported by physician)
Medical Ed: Vanderbilt University School of Medicine (1995)
Action: 1/20/2005. Temporary/dated license extended to expire 7/31/2005.

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: 1/20/2005. Full and unrestricted license issued.

LAVINE, Gary Harold, MD

Location: New Bern, NC (Craven Co)
DOB: 11/04/1964
License #: 2001-00403
Specialty: EM (as reported by physician)
Medical Ed: University of South Alabama (1989)
Action: 1/20/2005. Temporary/dated license extended to expire 1/31/2006.

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 Osteopathic Medicine (1980)
Action: 1/20/2005. Temporary/dated license extended to expire 1/31/2006.

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)
Action: 1/20/2005. Temporary/dated license extended to expire 9/30/2005.

SEBHAT, Berhan, MD

Location: Durham, NC (Durham Co)
DOB: 10/22/1966
License #: 2001-01395
Specialty: IM (as reported by physician)
Medical Ed: Medical College of Ohio (1998)
Action: 1/20/2005. Full and unrestricted license issued.

SMITH, David Lewis, Physician Assistant

Location: Wilmington (New Hanover Co)
DOB: 9/19/1951
License #: 0001-01503
PA Education: Alderson Broaddus College (1992)
Action: 1/20/2005. Temporary/dated license extended to expire 3/31/2005.

STROUD, Joan Marie, Physician Assistant

Location: Gastonia, NC (Gaston Co)
DOB: 4/24/1956
License #: 0001-01476
PA Education: Pennsylvania State University (1980)
Action: 1/20/2005. Temporary/dated license extended to expire 7/31/2005.

WADDELL, Roger Dale, MD

Location: Aberdeen, NC (Moore Co)
DOB: 11/17/1954
License #: 0000-30105
Specialty: GP (as reported by physician)
Medical Ed: University of Colorado School of Medicine (1981)
Action: 1/20/2005. Temporary/dated license extended to expire 7/31/2005.

WHITE, Steven William, Physician Assistant

Location: Cameron, NC (Moore Co)
DOB: 12/19/1962
License #: 0001-02196
PA Education: Midwestern University (1996)
Action: 1/20/2005. Temporary/dated license extended to expire 5/31/2005.

See Consent Orders:

BLEVINS, Douglas Dane, MD
DeVIRGILIIS, Juan Carlos, MD
KOMJATHY, Steven Ferenc, MD

DISMISSALS

NONE