

NORTH CAROLINA MEDICAL BOARD
Board Orders/Consent Orders/Other Board Actions
November-December 2008

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

BROWN, Douglas Allen, MD

Location: Newport News, Va.
License #: 009800794 | Specialty: FM (as reported by physician)
Cause: On April 1, 2008, the Virginia Board of Medicine suspended Dr. Brown's license to practice medicine in Virginia for 30 days. Upon expiration of the suspension, Dr. Brown's license to practice medicine in Virginia was placed on indefinite probation. According to the Virginia Consent Order, Dr. Brown submitted a fraudulent academic transcript when applying to admission to medical school and when applying for medical employment. He also prescribed various controlled substances to three people outside of a bona-fide practitioner-patient relationship, and was unable to produce evidence that he maintained medical records for these people.
Action: 12/29/2008. Medical license annulled.

REVOICATIONS

BARRO, Lee Dennis, MD

Location: Bessemer City, NC (Gaston Co)
License #: 000025220 | Specialty: GP (as reported by physician)
Cause: Dr. Barro was convicted of a felony in the case, State of North Carolina v. Lee Dennis Barro, for prescribing controlled substances without a legal medical purpose.
Action: 11/20/2008. Notice of revocation issued.

SUSPENSIONS

See Consent Orders:

BLOCK, Matthew, MD
KAUFMAN, Andrew Russell, MD
KHOT, Prakash Nilkanth, MD
LOWRY, Roswell Tempest, MD
SHAH-KHAN, Sardar Mahmood, MD

SUMMARY SUSPENSIONS

CONSENT ORDERS

BLISS, Laura Katherine, MD

Location: Efland, NC (Orange Co)
License #: 009500018 | Specialty: FP (as reported by physician)
Cause: Dr. Bliss improperly diverted a Xanax prescription for personal use and has abused alcohol in the past. She voluntarily surrendered her medical license on June 1, 2007, and entered into a consent order indefinitely suspending her license on October 17, 2007.
Action: 12/03/2008. Consent Order executed: Dr. Bliss is issued a temporary license to practice medicine for a period of six months. She must maintain a contract with the NCPHP and comply with other conditions.

BLOCK, Matthew, MD

Location: Laurinburg, NC (Scotland Co)
License #: 200100308 | Specialty: CD (as reported by physician)
Cause: Dr. Block authorized prescriptions, many of which were for controlled substances, to five employees or former employees and did not document many of his prescriptions in any patient chart. Also, two employees diverted controlled substances to a relative of Dr. Block. One employee claims Dr. Block was aware of the diversion, but he denies being aware of it. However, Dr. Block did authorize numerous

prescriptions for controlled substances to this relative to treat a variety of serious ailments. He ceased this practice after a pharmacist pointed out it was contrary to the Board's position statement. On August 27, 2008, the Board held an emergency session after an investigation by the North Carolina Division of Public Health revealed seven patients seen by Dr. Block tested positive for infectious disease Hepatitis C, which some patients may have acquired in Dr. Block's office as a result of unsafe medical practices by a technician during myocardial perfusion studies. The Board determined that Dr. Block should immediately stop performing invasive procedures in his office, and entered into an interim Consent Order with Dr. Block.

Action: 11/21/2008. Consent Order executed: Dr. Block's license to practice medicine and surgery is suspended for two years, and the suspension is stayed immediately. Dr. Block is placed on indefinite probation.

KAUFMAN, Andrew Russell, MD

Location: Durham, NC (Durham Co)

License #: RTL | Specialty: P (as reported by physician)

Cause: Dr. Kaufman participated in a research project that offered participants a \$25 gift code to amazon.com as an incentive. After the study concluded Dr. Kaufman used nearly all the remaining gift codes, which had been purchased with unrestricted grant money from a pharmaceutical company, to purchase personal items. Dr. Kaufman later took steps to cancel the order and return the merchandise. However, as a result of his actions, Dr. Kaufman was suspended from the residency program and notified that his status would be listed as non-program completion, which caused his resident training license to become inactive. Duke University and Dr. Kaufman have since executed an agreement providing for a six-month remediation program beginning on January 1, 2009 that will enable Dr. Kaufman to complete his residency program.

Action: 11/26/2008. Consent order executed: Dr. Kaufman is issued a resident training license. Simultaneously, with the issuance of said RTL, the license is suspended for six months but stayed except for a period of 30 days beginning on December 1, 2008, during which Dr. Kaufman shall serve an active suspension. Dr. Kaufman is placed on probation for the duration of his resident training program and must comply with conditions.

KHOT, Prakash Nilkanth, MD

Location: Wilkesboro, NC (Wilkes Co)

License #: 000019016 | Specialty: FP/EM (as reported by physician)

Cause: Dr. Khot treated several patients for a variety of ailments, including pain and anxiety. He prescribed controlled substances for these ailments. A Board review of Dr. Khot's records for these patients found them to be handwritten, nearly illegible, grossly deficient and lacking the components of an acceptable medical record. None of the records examined sufficiently justified the prescribing of controlled substances for the patients who received them.

Action: 12/12/2008. Consent order executed: Dr. Khot's medical license is suspended for two years, but the suspension is immediately stayed, except for a period to begin on January 6, 2009, and end on February 4, 2009, during which Dr. Khot shall serve an active suspension. On February 5, 2009, Dr. Khot shall be placed on probation and must comply with conditions. For two years from the date of this consent order, Dr. Khot shall not prescribe controlled substances and shall surrender his DEA registration. After one year, Dr. Khot may petition the Board to consider endorsing reinstatement of his DEA registration.

LOWRY, Roswell Tempest, MD

Location: Cornelius, NC (Mecklenburg Co)

License #: 000017882 | Specialty: EM (as reported by physician)

Cause: On April 16, 2008, the Virginia Board of Medicine and Dr. Lowry entered into a Consent Order and he voluntarily surrendered his Virginia medical license. Dr. Lowry had experienced performance issues while working in an emergency department involving the timeliness of his responses in patient care situations. He reported that his performance was affected by a health condition diagnosed as obstructive sleep apnea for which he was treated.

Action: 12/22/2008. Consent order executed: Dr. Lowry's license to practice medicine and surgery in North Carolina is suspended for 30 days, with the said suspension being immediately stayed.

RAMACHANDRAN, Sudha, MD

Location: Chapel Hill, NC (Orange Co)

License #: 200802071

Cause: Dr. Ramachandran and the Board of Medicine of the Department of Health of the District of Columbia entered into a Consent Order on June 12, 2007 to resolve issues surrounding her application for a medical license in the District of Columbia. She was granted a license to practice medicine in the District of Columbia on June 28, 2007. She was issued a North Carolina resident training license in July 2007.

Action: 12/19/2008. Non-disciplinary Consent Order issued. Dr. Ramachandran is issued a license to practice medicine and surgery in North Carolina.

SHAH-KHAN, Sardar Mahmood, MD

Location: Morganton, NC (Burke Co)

License #: 000016726 | Specialty: IM/C (as reported by physician)

Cause: Dr. Shah-Khan treated several patients for conditions including chronic pain and anxiety disorders. He prescribed controlled substances for these conditions in many cases. A Board review of patient medical records found that Dr. Shah-Khan failed to adequately document the need for the prescribed narcotics. The records also failed to note what steps, if any, Dr. Shah-Khan took to safeguard the patients' health and to guard against the patients' becoming dependent upon narcotics.

Action: 12/04/2008. Consent order executed: Dr. Shah-Khan's license is suspended for four months, but the suspension is immediately stayed. Simultaneously, Dr. Shah-Khan's license is placed on probation for four months and he must comply with conditions. He must complete courses in medical record keeping and in prescribing medications.

SMALL, Fairleigh David, MD

Location: Abingdon, VA

License #: 000024710 | Specialty: EM (as reported by physician)

Cause: Dr. Small entered into a consent order with the Virginia Board of Medicine on April 29, 2008, that reprimanded him and prohibited him from treating patients age 6 years or younger. The order was based on problems with care Dr. Small provided to three young patients.

Action: 11/21/2008. Consent order executed: Dr. Small is reprimanded and prohibited from treating patients age 6 years or younger.

WERTHEIMER, Thomas Albert, MD

Location: Wilmington, NC (New Hanover Co)

License #: 009900386 | Specialty: IM (as reported by physician)

Cause: In February, 2008, Dr. Wertheimer abruptly left his medical practice and was undergoing inpatient treatment for his abuse of and addiction to controlled substances. Admitted he had been using opiates and diverting controlled substances for his own personal use, Dr. Wertheimer voluntarily surrendered his medical license on February 7, 2008 and entered into a Consent Order indefinitely suspending his license on May 27, 2008. The North Carolina Physicians Health Program (NCPHP) reports Dr. Wertheimer is in full compliance with his five-year monitoring contract.

Action: 12/17/2008. Consent order executive. Dr. Wertheimer is issued a temporary license to practice medicine for four months. He will maintain his contract with NCPHP.

MISCELLANEOUS ACTIONS**MERCIER, Randall Robert, MD**

Location: Pinehurst, NC (Moore Co)

License #: 000026898 | Specialty: IM (as reported by physician)

Action: 11/13/2008. Amendment to consent order executed: The order Dr. Mercier entered into on August 14, 2007, is amended to allow him to practice up to 40 hours a week.

DENIALS OF RECONSIDERATION/MODIFICATION

NONE

DENIALS OF LICENSE/APPROVAL

BALENTINE, Kerry Layne, MD

Location: Grover, NC (Cleveland Co)
License #: 200500514 | Specialty: P (as reported by physician)
Action: 11/03/2008. Application to reinstate North Carolina license to practice medicine denied.

SURRENDERS

BROADHEAD, Daniel David, MD

Location: Virginia Beach, VA
License #: 000016325 | Specialty: P (as reported by physician)
Action: 11/06/2008. Voluntary surrender of North Carolina medical license.

DOBYNS, Perrin Thomas, MD

Location: Fayetteville, NC (Cumberland Co)
License #: 200701865 | Specialty: FP (as reported by physician)
Action: 12/08/2008. Voluntary surrender of North Carolina medical license.

JAMES, James Franklin, MD

Location: Greenville, NC (Pitt Co)
License #: 000015359 | Specialty: P (as reported by physician)
Action: 12/01/2008. Voluntary surrender of North Carolina medical license

PUBLIC LETTERS OF CONCERN

HENDERSON, David James, MD

Location: Greensboro, NC (Guilford Co)
License #: 000026011 | Specialty: PD (as reported by physician)
Cause: Dr. Henderson has failed on several occasions to provide medical records in a timely manner to patients and that on at least one occasion his office lost a patient's medical records. The Board notes that the patient's record is the key to continuity of care and encourages Dr. Henderson to improve his responsiveness to his patients' requests for copies of their records and to ensure that the records are kept in a secure and organized manner.
Action: 12/22/2008. Public Letter of Concern issued.

HOROWITZ, Alexander Ross, MD

Location: Kannapolis, NC (Cabarrus Co)
License #: 200802040 | Specialty: PD (as reported by physician)
Cause: Dr. Horowitz failed to disclose to the Board on his license application that he was involved in three malpractice lawsuits dating from 1981-2002. Dr. Horowitz indicates that a service completed the application for him. The Board notes that it is ultimately Dr. Horowitz's responsibility to ensure the accuracy of his application. The Board further notes that one of the mentioned lawsuits was dismissed and another concerned treatment from as far back as 1981.
Action: 12/11/2008. Public Letter of Concern issued.

MILLARD, Devon Delaney

Location: Huntersville, NC (Mecklenburg Co)
License #: 009700923 | Specialty: OB/GYN (as reported by physician)
Cause: According to a patient's medical records and outside expert review, Dr. Millard's recognition of a deteriorating fetal heart rate pattern was delayed during a patient's labor, and, as a result, a caesarian delivery did not take place as soon as circumstances dictated. The Board requests that Mr. Millard complete CME, specifically on the subject of interpreting electronic fetal heart monitor tracings. The Category 1 course must be completed within six months from this public letter of concern.
Action: 12/23/2008. Public Letter of Concern issued.

SLOAND, Timothy Peter, MD

Location: Gastonia, NC (Gaston Co)
License #: 200301292 | Specialty: ORS (as reported by physician)
Cause: Dr. Sloand performed intramedullary rodding with distal placement of a single interlocking screw on a patient with left tibia/fibula fracture. The Board is concerned that, due to a combination of errors in judgment at the time of surgery, inadequate post-operative instructions and non-compliance by the patient, the patient developed shortening of the affected leg.
Action: 11/07/2008. Public Letter of Concern issued.

See Consent Orders:

COURT APPEALS/STAYS

NONE

CONSENT ORDERS LIFTED

TEMPORARY/DATED LICENSES:

ISSUED, EXTENDED, EXPIRED, OR REPLACED BY FULL LICENSES

BASILI, Richard Louis, MD

Location: Kinston, NC (Lenoir Co)
License #: 009700464 | Specialty: AN (as reported by physician)
Action: 11/20/2008. Full license issued.

BOYD, William Scott, PA-C

Location: Siler City, NC (Chatham Co)
License #: 0000102927
Action: 11/20/2008. Temporary/dated license issued to expire on 11/30/2009.

HARRIS, John Joel, MD

Location: Cerro Gordo, NC (Columbus Co)
License #: 000032114 | Specialty: AN (as reported by physician)
Action: 11/20/2008. Full license issued.

ROGERS, Bruce William, MD

Location: Greensboro, NC (Guilford Co)
License #: 000032563 | Specialty: FP (as reported by physician)
Action: 11/20/2008: Temporary/dated license issued to expire on 05/31/2009.

RUSSELL, Anthony Otis, MD

Location: High Point, NC (Guilford Co)
License #: 000035491 | Specialty: AN (as reported by physician)
Action: 11/20/2008: Temporary/dated license issued to expire on 11/30/2009.

WARD, Amy Elizabeth, MD

Location: Pfafftown, NC (Forsyth Co)
License #: 009600833 | Specialty: ALI (as reported by physician)
Action: 11/20/2008: Temporary/dated license issued to expire on 05/31/2009.

DISMISSALS

DONALDSON, Brian Robert, MD

Location: Healdsburg, Calif.
License #: 000023692 | Specialty: EM (as reported by physician)
Action: 12/22/2008: The Board dismisses without prejudice the case initiated by the Notice of Charges and Allegations dated September 5, 2008.

GRANT, Gregory, MD

Location: Asheville, NC (Buncombe Co)
License #: 000027461 | Specialty: G (as reported by physician)
Action: 12/22/2008: The Board dismisses without prejudice the case initiated by the Notice of Charges and Allegations dated August 1, 2008.

LOWE, James Edward Jr., MD

Location: Fayetteville, NC (Cumberland Co)
License #: 000037887 | Specialty: PS (as reported by physician)
Action: 12/22/2008: The Board dismisses without prejudice the case initiated by the Notice of Charges and Allegations dated August 1, 2008.

REENTRY AGREEMENTS**HULL, James Franklin, Jr., PA**

Location: Fayetteville, NC (Cumberland Co)
License#: 001001609
Cause: Mr. Hull, who has PA licenses in three other states, has not practiced as a PA in a clinical setting since June 2004.
Action: 11/10/2008. Reentry agreement executed: Mr. Hull agrees to undertake a program of re-entry that will consist of having his practice closely supervised for the next 12 months by a supervising physician who will provide the Board with letters that describe observations and make an assessment of Mr. Hull's clinical skills.

STORY, Ellen Shannon, MD

Location: Charlotte, NC (Mecklenburg Co)
License #: 009700403 | Specialty: E (as reported by physician)
Cause: Dr. Story has not engaged in the active clinical practice of medicine since July 2005. In November 2005, she asked the Board to place her license on inactive status so she could stay home with her children full-time.
Action: 11/14/2008. Reentry agreement executed: Dr. Story agrees to undertake a program of re-entry that consists of attending the Endocrinology Board Review and Clinical Endocrinology Update, take and pass the board recertification exam in endocrinology, practice at the Carolinas Medical Center in the outpatient residents clinics, and have two other physicians monitor her practice.