

MINUTES

North Carolina Medical Board

April 15-16, 2010

**1203 Front Street
Raleigh, North Carolina**

The April 15-16, 2010, meeting of the North Carolina Medical Board was held at the Board's Office, 1203 Front Street, Raleigh, NC 27609. The meeting was called to order at 8:00 a.m., Thursday, April 15, 2010, by Donald E. Jablonski, DO, President. Board members in attendance were: Ms. Pamela Blizzard; John B. Lewis, Jr., LLB; Ralph C. Loomis, MD; Peggy R. Robinson, PA-C; Paul S. Camnitz, MD and Thomas R. Hill, MD. Also attending were Thomas Moffitt, Independent Counsel; R. David Henderson, Executive Director and Thom Mansfield, Board Attorney.

PANEL HEARINGS:

DUNN, Lawrence, MD – Durham, NC
Disciplinary

Judge Lewis commenced the Hearing by reading from the State Government Ethics Act, "ethics awareness and conflict of interest reminder." No conflicts were reported.

Dr. Dunn was charged with unprofessional conduct for allegedly practicing below the standard of care with regard to his treatment of seven patients.

A Panel Hearing was held on April 15-16, 2010.

Members of the Panel were: Judge Lewis, Ms. Robinson, Dr. Loomis & Dr. Hill. Thomas Moffitt served as Independent Counsel.

Dr. Dunn was represented by Robert Clay and Joseph Williford.
The Board was represented by Patrick Balestrieri and Thomas Mansfield.

PANEL FINDINGS: The Panel found that Dr. Dunn's care of Patients A through G departed from or failed to conform to the standards of acceptable and prevailing medical practice with the meaning of N.C. Gen Stat §90-14(a)(6).

PANEL RECOMMENDATION: The Panel recommended that Dr. Dunn's medical license be suspended indefinitely. Dr. Dunn shall not reapply for a North Carolina Medical license sooner than 6 months.

Final arguments in this case are scheduled to be heard at the North Carolina Medical Board's May 19, 2010, meeting or as soon thereafter as possible.

REECE, Donald, MD – Morehead City, NC
Disciplinary

Dr. Jablonski commenced the Hearing by reading from the State Government Ethics Act, "ethics awareness and conflict of interest reminder." No conflicts were reported.

Dr. Reece was charged with unprofessional conduct for allegedly practicing below the standard of care with regard to his treatment of seven patients, lack of professional competence to practice medicine with a reasonable degree of skill and safety based on a comprehensive evaluation by CPEP, and failing to provide adequate coverage for his patients at times when he planned to be unavailable.

A Panel Hearing was held on April 15, 2010.

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Members of the Panel were: Dr. Jablonski, Dr. Camnitz and Ms. Blizzard. Thomas Moffitt served as Independent Counsel.

Dr. Reece was represented by Daniel Flebotte.
The Board was represented by Todd Brosius.

PANEL FINDINGS: The Panel found that Dr. Reece's care of patients A through H departed from or failed to conform to the standards of acceptable and prevailing medical practice within the meaning of NC Gen. Stat. § 90-14(a)(6). The Panel also found that Dr. Reece's lack of medical knowledge and clinical reasoning constituted a lack of professional competence to practice medicine with a reasonable degree of skill and safety to patients and failure to maintain acceptable standards of one or more areas of professional physician practice with the meaning of NC Gen. Stat. § 90-14(a)(11). Additionally, the Panel found that by failing to provide adequate coverage for his patients in times that he planned to be unavailable, Dr. Reece engaged in unprofessional conduct within the meaning of NC Gen. Stat. § 90-14(a)(6).

PANEL RECOMMENDATION: The Panel recommended that Dr. Reece's medical license be revoked.

Final arguments in this case are scheduled to be heard at the North Carolina Medical Board's May 19, 2010, meeting or as soon thereafter as possible.

PROPOSED SETTLEMENTS:

The following proposed settlements were presented to a quorum of the Board consisting of Dr. Jablonski, Dr. Camnitz, Ms. Robinson, Dr. Hill, Judge Lewis, Dr. Loomis and Ms. Blizzard.

BOWMAN, Karolen, MD – North Wilkesboro, NC

The Board was represented by Marcus Jimison. Dr. Bowman was present and was represented by Beth Fleishman.

The Board voted to accept the proposed Consent Order in resolution of the August 24, 2009 Notice of Charges and Allegations with the modification that Dr. Bowman attend a minimum of 10 hours of continuing education approved by the Office of Medical Director..

KEYES, Booker, MD – Jacksonville, NC

The Board was represented by Brian Blankenship. Dr. Keyes was not present nor was he represented by counsel.

The Board voted to accept the proposed Consent Order in resolution of the September 30, 2009 Notice of Charges and Allegations.

KRAMER, James, MD - Greensboro, NC

The Board was represented by Brian Blankenship. Dr. Kramer was present and was represented by Richard Vanore.

The Board voted to accept proposed Consent Order in resolution of the September 9, 2009, Notice of Charges and Allegations.

NISBETT, Donald, MD – Laurinburg, NC

The Board was represented by Brian Blankenship. Dr. Nisbett was present and was represented by José Coker.

The Board voted to accept the proposed Consent Order in resolution of the August 5, 2009, Notice of Charges and Allegations.

RIVERA-ORTIZ, Epifanio, MD – Huntersville, NC

The Board was represented by Marcus Jimison. Dr. Rivera-Ortiz was present and was represented by James Wilson.

The Board voted to accept the proposed Consent Order in resolution of September 30, 2009, Notice of Charges and Allegations.

SPATARO, Joseph D., MD – Charlotte, NC

The Board was represented by Todd Brosius. Dr. Spataro was not present and was not represented by counsel.

The Board voted to accept the proposed Consent Order in resolution of a complaint filed in June 2008.

ATTORNEY'S REPORT

The Attorney's Report was presented to a quorum of the Board consisting of Dr. Jablonski, Dr. Carnitz, Ms. Robinson, Dr. Hill, Judge Lewis, Dr. Loomis and Ms. Blizzard.

A motion passed to close the session pursuant to Section 143-318.11(a) of the North Carolina General Statutes to prevent the disclosure of information that is confidential pursuant to Sections 90-8, 90-14, 90-16, 90-21.22 of the North Carolina General Statutes and not considered a public record within the meaning of Chapter 132 of the General Statutes and/or to preserve attorney/client privilege.

A written report on 160 pending cases and 31 executed cases was presented for the Board's review. The specifics of these matters are not included as they are non-public. The Board accepted the report as presented.

A motion was passed to return to open session.

The following actions were executed since the Board last regularly scheduled meeting. The Board voted to accept these as information.

Alford, Todd Michael MD
Consent Order executed 2/18/10

Augustine, Santhosh MD
Order Granting Relief of Obligations of Consent Orders executed 03/11/2010

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Basili, Richard Louis MD
Amended Consent Order executed 02/23/2010

Black, Steven Ray MD
Order of Discipline executed 3/2/10

Boden, Scott Adam MD
Public Letter of Concern executed 3/30/10

Bothe, Brian Michael MD
Consent Order executed 2/19/10

Brady, Joseph Lawrence MD
Consent Order executed 02/26/2010

Brewer, Thomas Edmund MD
Public Letter of Concern executed 02/24/2010

Bruha, Paul Joseph MD
Public Letter of Concern executed 4/6/10

Buckland, David Nelson PA
Public Letter of Concern executed 03/24/2010

Burgoa Rio, Carlos Fernando PA
Re-Entry Agreement executed 3/10/10

Buttar, Rashid Ali MD
Consent Orders (Board and OAH) executed 3/26/10

Caldwell, Chad Cameron PA
Consent Order executed 3/24/10

Chase, Bradford Alan PA
Consent Order executed 03/11/2010

Chavis, Robert Michal PA
Order for Relief of Obligations executed 2/26/10

Chung, Keven Robert MD
Consent Order executed 03/04/2010

Corry, Beverly Elizabeth MD
Re-Entry extension letter executed 2/24/10

Crummie, Robert Gwinn
Order of Discipline executed 3/17/10

Dugliss, Malcolm Andrew John PA
Consent Order and Re-Entry Agreement executed 04/06/2010

Farrell, Edwin Gayle MD
Order of Discipline executed 3/17/10

Gillis, John Francis MD
Public Letter of Concern executed 04/01/2010

Hallberg, John Andrew MD
Public Letter of Concern executed on 3/3/2010

Land, Phillip Barton PA
Amended Consent Order executed 4/8/10

Langston, Jonathan Lawrence PA
Consent Order executed 02/18/2010

Mistri, Kamlesh Krishna PA
Consent Order executed 2/19/10

Mitchell, James Alistair MD
Consent Order executed 02/22/2010

Norris, Clarence Eugene MD
Public Letter of Concern executed 2/22/10

Okwara, Benedict Onwukwe MD
Non-Disciplinary Consent Order executed 04/06/2010

Osman, Mohamed Buwe Sidi MD
Consent Order executed 03/04/2010

Parker, Gregory Dean MD
Consent Order executed 03/10/2010

Perry, Robert Francis MD
Consent Order executed 03/23/2010

Privott, Willis McCoy MD
Notice of Charges and Allegations; Notice of Hearing executed 3/2/10

Reece, Donald Brooks MD
Amended Notice of Charges & Allegations; Notice of Hearing executed 3/10/10

Robertson, Elisabeth M. MD
Consent Order executed 02/22/2010

Russell, David Norman MD
Public Letter of Concern executed 4/7/10

Scallion, Ralph Michael MD
Consent Order executed 02/18/2010

Shapiro, Mark Thomas MD
Public Letter of Concern executed 02/22/2010

Siegel, Drew Kevin MD
Consent Order executed 3/12/10

Silverman, David Louis MD

Consent Order executed 02/24/2010

Singh, Vinod MD
Consent Order executed 03/10/2010

Small, Fairleigh David MD
Order of Discipline executed 3/2/2010

Spataro, Joseph David MD
Consent Order executed 3/29/2010

Tano, Benoit Deki Kouame MD
Public Letter of Concern executed 02/24/2010

Thompson, Marcel Dwaine MD
Public Letter of Concern executed 4/7/10

Thompson, Robert Bruce MD
Consent Order executed 3/2/10

Toole, James Eugene PA
Consent Order executed 2/22/10

Wagner, Paul Dean MD
Public Letter of Concern and Consent and Waiver executed 3/2/10

White, Dale E. PA
Consent Order executed 02/19/2010

Wilson, Wayne Vincent MD
Consent Order executed 2/19/10

Wrenn, Cynthia Helen PA
Consent Order executed 4/8/10

Xie, Donghua MD
Re-Entry Agreement executed 2/25/10

INVESTIGATIVE MATTER

A report of investigation was presented to a quorum of the Board consisting of Dr. Jablonski, Dr. Carnitz, Ms. Robinson, Dr. Hill, Judge Lewis, Dr. Loomis and Ms. Blizzard.

A motion passed to close the session pursuant to Section 143-318.11(a) of the North Carolina General Statutes to prevent the disclosure of information that is confidential pursuant to Sections 90-8, 90-14, 90-16, 90-21.22 of the North Carolina General Statutes and not considered a public record within the meaning of Chapter 132 of the General Statutes and/or to preserve attorney/client privilege.

A written report of one case was presented for the Board's review. The specifics of this report are not included because these actions are not public information.

A motion passed to return to open session.

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ADJOURNMENT

This meeting was adjourned at 3:40pm, Friday, April 16, 2010.

Janice E. Huff, MD
Secretary/Treasurer 'Pro Tempore'