

MINUTES

North Carolina Medical Board

August 15-16, 2007

**1203 Front Street
Raleigh, North Carolina**

Minutes of the Open Sessions of the North Carolina Medical Board Meeting August 15-16, 2007.

The August 15-16, 2007, 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 9:09 a.m., Wednesday, August 15, 2007, by H. Arthur McCulloch, MD President. Board members in attendance were: Janelle A. Rhyne, MD, President Elect; George L. Saunders, III, MD, Secretary; Ralph C. Loomis, MD, Treasurer; Donald E. Jablonski, DO; John B. Lewis, Jr., JD (August 15 only); Robert C. Moffatt, MD, Michael E. Norins, MD; Peggy R. Robinson, PA-C; and Sarvesh Sathiraju, MD.

Staff members present were: R. David Henderson, JD, Executive Director; Nancy Hemphill, JD, Special Projects Coordinator; Thomas W. Mansfield, JD, Legal Department Director; Brian Blankenship, Board Attorney; Marcus Jimison, JD, Board Attorney; Katherine Carpenter, JD, Board Attorney; Todd Brosius, JD, Board Attorney; Ms. Wanda Long, Legal Assistant; Ms. Lynne Edwards, Legal Assistant; Ms. Cindy Harrison, Legal Assistant; Mr. Curtis Ellis, Investigative Department Director; Mr. David Allen, Investigator; Mr. Dale Breaden, Director of Public Affairs; Ms. Dena Konkel, Assistant Director, Public Affairs; Mrs. Joy D. Cooke, Licensing Director; Ms. Michelle Allen, Licensing Supervisor; Ms. Amy Ingram, Licensing Assistant; Ms. Ravonda James, Licensing Assistant; Ms. Kimberly Chapin, Licensing Assistant; Ms. Lori King, Physician Extender Coordinator; Ms. Quanta Williams, Physician Extender Coordinator; Michael Sheppa, MD, Medical Director; Scott Kirby, MD, Assistant Medical Director; Ms. Judie Clark, Complaint Department Director; Mrs. Sharon Squibb-Denslow, Complaint Department Assistant; Ms. Sherry Hyder, Complaint Summary Coordinator; Ms. Carol Puryear, Malpractice/Medical Examiner Coordinator; Mr. Hari Gupta, Operations Department Director; Ms. Patricia Paulson, Registration Coordinator; Mrs. Janice Fowler, Operations Assistant; Mr. Peter Celentano, Comptroller; Ms. Mary Mazzetti, Receptionist; Ms. Barbara Gartside, Operations Assistant/Licensing Assistant; Mr. Donald Smelcer, Technology Department Director; and Mr. Jeffery Denton, Executive Assistant/Verification Coordinator.

MISCELLANEOUS

Presidential Remarks

Dr. McCulloch commenced the meeting by reading from Governor Easley's Executive Order No. 1, the "ethics awareness and conflict of interest reminder." No conflicts were reported.

Mr. Henderson announced that Ms. Kimberly Chapin has joined the staff as a Licensing Assistant in the Licensing Department. Ms. Cooke made introductions

Mr. Gupta provided training on the revised Board Book software.

Naturopathic Physician Licensing Act (Senate Bill 1080 Legislative Session 2007)

At the President's request, Dr. Norins met with Senator Kinnaird who was the primary sponsor of Senate Bill 1080 which was not acted on during this legislative session. Sen. Kinnaird is championing an initiative to license naturopathic providers who would diagnose a variety of ailments and offer treatment with an armaturium of "natural" products such as herbal preparations, nutraceuticals and other products. The proposed bill recognizes the

need for providing assurance to the public that naturopaths who offer their services have met a minimum standard of training and competence. Dr. Norins noted the wide scope of practice established in this bill and the pitfalls ahead including opposition or conflict with others with overlapping jurisdictional claims.

Dr. Norins recommends that the Board explore whether the licensing and regulation of naturopaths is needed to protect the public and, if so, whether Senate Bill 1080 is the best way to proceed.

Administrative Licenses and Noncertifications

Since 2005 the Board has issued approximately 12 Limited Administrative Licenses via consent orders to individuals who had not been engaged in active clinical practice for a significant period but, unlike most reentry candidates, did not desire to return to clinical practice. Most of these applicants are researchers for pharmaceutical companies or working in the insurance industry doing utilization review work. NCGS § 58-50-61 speaks to who may perform utilization reviews. "...a medical doctor licensed to practice medicine in this State shall evaluate the clinical appropriateness of noncertifications." Legal staff asked if physicians holding only a limited administrative license are permitted by law to make noncertifications. A discussion ensued. One Board Member stated, "Persons second guessing me should be as qualified as I am." Another Board Member pointed out that most utilization reviews and certifications are not done by physicians but by nursing personnel. It was also pointed out that pathologist and radiologist don't see patients in a clinical setting either. Another factor is the Board's increasing focus on continued competence. Even so, if a physician was issued a full license to do utilization reviews and continued to do these for a number of years would that be an issue since they had not technically been in a clinical setting for those years? At some point would they have to go through a reentry process (again)? There appears to be no controversy about who does "certifications," the Board is concerned with who makes the "noncertification" decision. Concern was expressed that if a full license is required there may be some far reaching implications with the insurance companies.

Motion: A motion passed that noncertifications (utilization reviews) in North Carolina need to be done by a licensee who holds a full unrestricted license. For initial applications, if the practitioner has been out of clinical practice for more than two years the applicant must appear for an interview to be assessed. (Opposed – Saunders, Robinson, Sathiraju, Lennon; Absent – Moffatt, Lewis)

Project Lazarus – Prescription Naloxone in Wilkes County, NC

Dr. Rhyne announced that Wilkes County will has proposed a pilot program for the prescription and distribution of Naloxone for overdose prevention in Wilkes County, to be called Project Lazarus. Wilkes County has one of the highest overdose death rates in the state, on par with the highest anywhere in the country. Several task forces including the Northwest Community Care Network (NCCN), Wilkes County Chronic Pain Initiative, and Wilkes Community Health Council Substance Abuse Task Force have adopted a multi-dimensional approach to reduce opioid overdose deaths. They have asked for the Board's view of this initiative.

Action: The President referred this issue to the Policy Committee for additional information and to bring a recommendation back to the Board.

NCGS § 90-16. (e1) ...Board to keep public records.

One of the changes to the Medical Practice Act, effective October 1, 2007 is the following additional language to G.S. 90-16:

(e1) When the Board receives a complaint regarding the care of a patient, the Board shall inform the complainant of the disposition of the Board's inquiry into the complaint and the Board's basis for that disposition. Upon written request of a patient, the Board may provide the patient a licensee's written response to a complaint filed by the patient with the Board regarding the patient's care. Upon written request of a complainant, who is not the patient but is authorized by State and federal law to receive protected health information about the patient, the Board may provide the complainant a licensee's written response to a complaint filed with the Board regarding the patient's care. Any information furnished to the patient or complainant pursuant to this subsection shall be inadmissible in evidence in any civil proceeding. However, information, documents, or records otherwise available are not immune from discovery or use in a civil action merely because they were included in the Board's review or were the subject of information furnished to the patient or complainant pursuant to this subsection.

A discussion ensued regarding establishment of protocols for possible dissemination of a licensee's written response to a complaint filed by the patient/complainant with the Board regarding the patient's care.

Motion: A motion passed as follows:

- In the initial letter to licensees advising them of the complaint, licensees will be advised that due to a change in the law a copy of their response may be provided to the complainant but that response may not be used by the patient/complainant in a civil proceeding.
- As complaints are reviewed by OMD, they will indicate whether they believe, in accordance with guidance by the Board, it would be appropriate to send a copy of the licensee's response to the patient/complainant. The SSRC, the appropriate committee and the Board will review this recommendation and make the final decision.
- If a duly authorized person requests a copy of the response, staff will advise the complainant that the request must be in writing. When the written request is received, staff will look to see if the Board has approved release of the response. An appropriate letter will be sent to the complainant.

Time will be set aside at the September meeting for the Board to discuss the following specific issues as part of the above protocol: (a) will the complainant be notified about the change to the law that permits the Board to share a licensee's response?; (b) are there instances where it would be better to provide a summary of the response or a redacted copy instead of the entire response?; and (c) in determining whether to release a copy of the response, should the criteria be (1) don't send unless it so will be beneficial to the patient, or (2) do send unless it would be harmful to the patient?

MINUTE APPROVAL

Motion: A motion passed that the July 18-20, 2007, Board Minutes are approved as presented.

CONTINUED COMPETENCE COMMITTEE REPORT

Michael Norins, MD, Chair; Peggy Robinson, PA-C

The Continued Competence Committee of the North Carolina Medical Board was called to order at 3:15 p.m., Thursday, July 19, 2007, at the office of the Board. Members present were: Michael Norins, MD, Chair; and Peggy Robinson, PA-C. Also attending were: Michael Sheppa, MD, Medical Director; and Jeffery Denton, Recorder (Staff). Absent was Thomas Mansfield, JD, Director, Legal Department (Staff).

NC Summit – Formulating an Action Plan

Dr. Norins reported that Dr. Newton, Head of the Pediatric Department, Brody School of medicine has made available a residency program for an applicant of the Board.

Action: Dr. Sheppa is to draft a thank you letter for Dr. Newton.

Dr. Sheppa reported he has met with Duke Representatives from the summit. He will be meeting with UNC representatives to explore their interest in establishing an evaluation program and/or a remediation program. He will continue to move forward with the goal of establishing an instate evaluation program and developing a remediation program with the medical schools. These two efforts may or may not be linked.

Registration Questionnaire Review

Background: It has been noted that the questions on the annual registration form that relate to not being in the active practice of medicine, the whys and what have you really been doing are all optional responses. Thus, no reliable data along this line is available. A motion passed to reevaluate subject questions and make answering them “mandatory.” This relates to those questions along the line of being out of the active practice of medicine, why and what are you doing. Reviewing the registration questionnaire is a priority for the Continued Competence Committee. Reviewers will be looking for more specific questions pertaining to practice activity and how to refine questions to be useful in identifying physicians that may be in need of reentry type education.(May 2007)

Update: The Physician Registration Form was reviewed. There is a consensus that the time has come to do something about physicians that are not practicing medicine but keeping their licenses without continued clinical experience.

Full Board Motion: A motion passed recommending that the registration form be modified as follows:

Where the “Are you engaged in direct patient care” equals “**NO**” – they should read as follows:

- retired from active practice
- not in practice since _____
- percent of time employed in a non-medical field _____
- percent of time primarily doing research, teaching, or administration related to

medicine

Self-terminating Reentry Orders

The committee feels that once a reentry program is satisfactorily completed it does not need to come back Board for additional action. The committee believes that in these cases the congratulatory letter can be sent without additional board action. This could be handled at the staff level.

Full Board Motion: A motion passed that once reentry programs are satisfactorily completed, the appropriate staff is authorized to send the congratulatory letter, and report in the course of business to the Board and part of the compliance report.

CME

The subject of how to make CME meaningful and a reliable indicator of continued competency. At some point in the future look at making physicians with hospital privileges exempt from CME audits.

Update: Mr. Henderson stated that the current policy was to look at CME in three cases: (1) open investigations, (2) those invited for informal interviews, and (3) those that report less than the required 150 hours in three years. He indicated the first two cases are being done routinely; however, the third case is a complicated programming issue and being developed by Mr. Hari Gupta, Operations Department Director, and that it will eventually show results. He stated that the Board has limited resources to deal with random audits and it would be a fairly big undertaking.

Action: Mr. Henderson will report back to the committee in September with a proposal.

Full Board Motion: A motion passed to move forward in the development of random audits. ABMS constituent boards and self study programs should be exempt from the audits.

A motion passed to close the session to prevent the disclosure of information that is confidential pursuant to sections 90-8, 90-14, 90-16, and 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.

The Continued Competence Committee reported on one investigative case. A written report was presented for the Board's review. The Board adopted the Committee's recommendation to approve the written report. The specifics of this report are not included because these actions are not public information.

A motion passed to return to open session.

The next regular meeting of the Continued Competence Committee is tentatively set for Thursday, September 20, 2007.

Motion: A motion passed to approve the Continued Competence Committee minutes as modified.

BEST PRACTICES AD HOC COMMITTEE REPORT

George Saunders, MD, Chair; Michael Norins, MD; Robert Moffatt, MD; Ralph Loomis, MD; Janelle Rhyne, MD; Donald Jablonski, DO

The Best Practice Ad Hoc Committee of the North Carolina Medical Board was called to order at 12:40 p.m., Wednesday, August 15, 2007, at the office of the Board. Members present were: George Saunders, MD, Chair; Janelle Rhyne, MD; Michael Norins, MD; Robert Moffatt, MD;

Ralph Loomis, MD; and Donald Jablonski, DO. Also attending were: H. Arthur McCulloch, MD, President; David Henderson, JD, Executive Director (Staff); Nancy Hemphill, Special Projects Coordinator; and Jeffery Denton, Recorder (Staff).

Topics were discussed as follows:

Topic E: Board Officers and Composition (Moffatt, Loomis)

Appoint committee to study role of officers, Executive Committee, nomination process, also:

- Study internal governance of Board from top to bottom.
- Study structure, makeup and function of the Executive Committee.
- Look at officer structure of Executive Committee (chairman vs. president, etc.).
- Look at the current automatic succession system.
- Consider separate nominating and executive committees. Nomination input is desired from the entire body.
- Make current Executive Committee activities/functions both transparent and *inclusive*.

Update: Due to time restrictions and input from the Selection Process Ad Hoc Committee this item is tabled till the July Committee Meeting. (May 2007)

Update: Due to time restrictions Dr. Loomis and Dr. Moffatt will write up a recommendation and send it to committee members. A special meeting of the committee will occur during lunch at the August Board Meeting to review this item. (July 2007)

Update: Dr. Loomis and Dr. Moffatt reported as follows: They recommend only minor changes to the Executive Committee structure. By combining the secretary/treasurer position and adding a member at large position this will allow for a shorter de facto succession period. It was noted that a succession plan is not part of the bylaws with the current succession trend being a de facto plan. This proposal will provide flexibility to deal with all possible contingencies. The Nominating Committee should be comprised of the Executive Committee and all Board Members being afforded the opportunity to attend this committee meeting, commenting on the slate, and voting on it. Officer terms should remain as one year with the turnover date being October 31 yearly. There is value to the current system of tutoring. It takes years of watching to do the Presidential job well, especially as Hearing Officer. It is felt the actions of the Executive Committee have always been transparent but not always inclusive since other committees meet at the same time precluding all Board Members from attending the Executive Committee meetings. (August 2007)

Specific Recommendations to the Full Board:

- **Study internal governance of Board from top to bottom.** No changes

recommended.

- **Study structure, makeup and function of the Executive Committee.** Officers to consist of President, President-Elect, and Secretary/Treasurer. Executive Committee to consist of above officers plus Immediate Past President and Member at Large.
- **Look at officer structure of Executive Committee (chairman vs. president, etc.).** No changes recommended.
- **Look at the current automatic succession system.** There is only a perceived automatic succession system in that under the current bylaws any Board member may be elected to any office (although it is implied that the President-Elect will be elected as President). At the time of the annual election, it should be made clear that any Board member is eligible for any officer position.
- **Consider separate nominating and executive committees. Nomination input is desired from the entire body.** The Executive Committee and the remaining members of the Board will convene as a Nominating Committee to nominate and elect officers to the Board. A simple majority will suffice.
- **Make current Executive Committee activities/functions both transparent and inclusive.** No changes recommended. All Executive Committee activities/functions are on the Board Book for other members to review and are, therefore, transparent. Board workload does not permit scheduling the Executive Committee meetings at a time when all other Board members may attend.

By Laws: The bylaws will need to be modified to accomplish the above. It is recommended that the entire by laws be looked at during this process. The forum for this process is left up to the President.

Update: It was suggested that the past (outgoing) president review the by laws yearly. Initially, Dr. McCulloch and Dr. Moffatt will do a joint review this year.

Board Letterhead: Board letterhead should contain names of the officers and all Board Members. If possible, the letterhead should not be changed more than once a year.

The next regular meeting of the Best Practice Ad Hoc Committee is tentatively set for Thursday, November 15, 2007.

Motion: A motion passed to approve the Best Practices Committee report as modified.

ATTORNEY'S REPORT

HEARINGS

Anderson, Robert, MD – Austin, TX
Out of State - Louisiana

On March 20, 2006, the Louisiana Board placed MD's medical license on Probation for a period of three (3) years (for chemical dependency).

August 15, 2007 hearing was continued

Dr. Anderson was not represented by counsel.
The Board was represented by Brian Blankenship.

Augustus, Carl Trent MD – Charlotte, NC

Disciplinary

Dr. Augustus was charged with failure to comply with his Consent Order and with conversion of an insurance check from BCBS.

August 15, 2007 hearing was continued to October 17, 2007

Dr. Augustus was represented by Cressie Thigpen.
The Board was represented by Marcus Jimison.

Bowman, James Thomas MD – North Wilkesboro, NC

Denial

Dr. Bowman's application for reinstatement of his medical license was denied. The denial was based on his past history with the Board, the requirement of an intensive re-entry period and possibly further training since he has not practiced medicine since 2002, his criminal history, and his probation violation in 2003.

August 15, 2007 hearing was continued to October 17, 2007

Dr. Bowman was represented by Alan Schneider.
The Board was represented by Katherine Carpenter.

Chen, Chih-Cheng, MD – Wilmington, NC

Disciplinary

Dr. Chen was charged with administering injections of Marcaine for myofacial pain without sufficient scientific and evidence based rationale.

HEARING: August 15-16, 2007.

Dr. Chen was represented by Bruce Allen.
The Board was represented by Marcus Jimison.

BOARD ACTION: Reprimand, discontinue use of injections at issue, and improve charting to satisfy Medicare standards.

Crummie, Robert Gwinn MD – Rutherfordton, NC

Disciplinary

Dr. Crummie was charged with unprofessional conduct for a history of alcohol abuse.

August 15, 2007 hearing continued to October 17, 2007

Dr. Crummie was represented by James Wilson.
The Board was represented by Marcus Jimison.

Fann, Benjamin Bradley MD – Asheville, NC
Disciplinary

Dr. Fann was charged with unprofessional conduct by practicing below the standard of care in NC, demonstrating disruptive behavior with staff and patients, and failing to inform patients that his hospital privileges were suspended.

August 15, 2007 hearing was continued to consider a proposed Consent Order

Dr. Fann was represented by Carolyn Coward and Phil Smith.
The Board was represented by Marcus Jimison.

BOARD ACTION: Accept proposed Consent Order

Fedak, Jason R PA – Wilmington, NC
Out of State – Connecticut

Mr. Fedak was charged with having a license to practice as a physician assistant restricted by another licensing authority based on the Consent Order with the Connecticut Board issuing a letter of Reprimand and placing restrictions on his controlled substances privileges. These actions were taken as the result of his admission that between November 2004 and November 2005, he prescribed controlled substances and other medications for his wife, who was not his patient.

Hearing: August 16, 2007.

Mr. Fedak did not attend and was not represented by counsel.
The Board was represented by Todd Brosius for Katherine Carpenter.

BOARD ACTION: 30 day stayed suspension

Flechas, Jorge David MD – Hendersonville, NC
Disciplinary

Dr. Flechas was charged with practicing below the standard of care in North Carolina.

August 15, 2007 hearing was continued to October 17, 2007.

Dr. Flechas was not represented by counsel.
The Board was represented by Katherine Carpenter.

Mauskar, Anant, MD – Houston, TX
Out of State – Texas

On June 2, 2006, the Texas Board and MD entered into an agreed order suspending his license indefinitely, staying the suspension and placing him on probation under numerous terms and conditions. The action was based on MD's conviction in Federal

Court of conspiracy to commit health care fraud and of health care fraud, which conviction is now on appeal.

HEARING: August 16, 2007

Dr. Mauskar did not attend and was not represented by counsel.
The Board was represented by Brian Blankenship.

BOARD ACTION: Indefinite Suspension. Suspension stayed immediately if MD complies with the Texas Order.

Sebhat, Berhan MD – Durham, NC

Disciplinary

Dr. Sebhat was charged with failing to comply with his October 2006 Consent Order.

HEARING: August 16, 2007.

Dr. Sebhat did not attend was not represented by counsel.
The Board was represented by Brian Blankenship.

BOARD ACTION: Revoke

Sleeper, Arthur Michael MD - Martinsville, VA

Out of State – Virginia

Dr. Sleeper was charged based on action taken by the Virginia Board determining that MD engaged in a personal, romantic relationship with a patient. The Virginia Board issued a letter of Reprimand.

Case was settled prior to August 15, 2007 hearing through a pre-approved Consent Order

Dr. Sleeper was not represented by counsel.
The Board was represented by Brian Blankenship.

Washington, Clarence Joseph MD - Cary, NC

Disciplinary

Dr. Washington was charged with writing prescriptions for close family members without maintaining proper written records.

August 15, 2007 hearing was continued

Dr. Washington was not represented by counsel.
The Board was represented by Brian Blankenship.

Wurster, Samuel, MD – Cary, NC

Disciplinary

On March 15, 2006, the Board charged Dr. Wurster in connection with his serving as medical director for a laser hair removal clinic in Raleigh.

August 15, 2007 hearing was continued to consider a proposed Consent Order

Dr. Wurster was represented by Richard Vanore
The Board was represented by Brian Blankenship

BOARD ACTION: Accept proposed Consent Order

Legislation – Mr. Mansfield summarized the following legislation passed in the 2007 session of the General Assembly for the Board.

**HOUSE BILL 818
SESSION LAW 2007-346**

AN ACT TO AMEND THE LAWS PERTAINING TO THE PRACTICE OF MEDICINE AND TO AMEND THE LAWS PERTAINING TO THE PRACTICE OF DENTISTRY.

- The current Medical Practice Act lacks certain basic provisions that are commonly found in statutes governing similarly situated Boards including, a definition section and a section describing and prescribing the powers and duties of the Board.
- This bill creates a definition section of commonly used terms and clearly defines the powers and duties of the Board. Among the most important is the ability of the Board to regulate the retention and disposition of medical records and, when necessary, appoint a custodian of medical records abandoned by a physician who has passed away or disappeared.
- This bill enhances the ability of the Board to conduct disciplinary hearings by allowing the use of “hearing officers”. Presently, only Board members can conduct disciplinary hearings. This bill will allow the Board to use as hearing officers, current and past Board members and any current or retired member of the state or federal judiciary. It is anticipated that this will allow the Board to conduct additional disciplinary hearings by increasing the pool of available hearing officers.
- This bill will result in a more public friendly medical practice act.
- This bill reorganizes the entire Medical Practice Act in logical manner and incorporates many existing rules into the statute so that the public and physicians can more easily find the law relevant to them.
- The bill changes the Board member selection process by establishing an independent review panel to make recommendations to the Governor for appointments to the Board.
- This bill also establishes qualifications that physicians, physician assistants, and nurse practitioners must meet to be eligible for a position on the Medical Board.
- The bill creates an online profile that will provide greater information to the public about physicians and physician assistants.

- The online profile will include information such as certain criminal convictions, disciplinary action taken by other state and federal agencies, and certain malpractice information.
- On behalf of dental board, this bill creates a volunteer dentist license.
- A volunteer dentist may not charge a fee and may volunteer to work only at certain hospitals, at non-profit clinics serving low-income populations, or as a volunteer for the State.

HOUSE BILL 1381
RATIFIED BILL

AN ACT AUTHORIZING THE NORTH CAROLINA RESPIRATORY CARE BOARD TO RAISE THE CEILING ON CERTAIN LICENSURE FEES AND AUTHORIZING THE NORTH CAROLINA MEDICAL BOARD TO ESTABLISH AND INCREASE CERTAIN FEES.

- The sections relating to the Medical Board are primarily a reorganization of existing law.
- The licensing provisions will appear in sequence instead of scattered through the Medical Practice Act.
- The provisions of the repealed sections have been moved to new section numbers.
- The bill codifies several existing rules.
- The bill is revenue neutral.
- The only entirely new fee is for the Special Purpose License and will be set by rule.
- The Special Purpose License will permit physicians in good standing in other states to come to North Carolina to teach new techniques to North Carolina surgeons and physicians.
- The bill permits the Board to retain jurisdiction over lapsed licenses held by resident physicians in training.

SENATE BILL 864
RATIFIED BILL

AN ACT TO AMEND THE CHIROPRACTIC PRACTICE ACT TO REQUIRE CRIMINAL RECORD CHECKS ON APPLICANTS FOR LICENSURE AS CHIROPRACTIC PHYSICIANS, TO PROHIBIT CHIROPRACTORS FROM OFFERING ENTICEMENTS TO PROSPECTIVE PATIENTS, TO EXPAND THE GROUNDS FOR PROFESSIONAL DISCIPLINE OF CHIROPRACTORS; TO AMEND THE PERFUSIONIST LICENSURE ACT, AND TO MAKE CHANGES TO THE APPOINTING PROCESS FOR THE NORTH CAROLINA STATE BOARD OF OPTICIANS.

- Name change
- Board may remand matters to Committee

- Immunity for Committee members
- Establish standards
- Confidentiality of investigations, etc.
- Maintenance of certification required
- Expands disciplinary authority
- Optician Board selection process changes
-

HOUSE BILL 726 RATIFIED BILL

AN ACT ALLOWING THE NORTH CAROLINA BOARD OF ELECTROLYSIS EXAMINERS TO PROVIDE FOR THE LICENSURE OF LASER HAIR PRACTITIONERS AND LASER HAIR PRACTITIONER INSTRUCTORS UPON MEETING CERTAIN REQUIREMENTS ESTABLISHED BY THE BOARD AND AUTHORIZING THE BOARD TO CHARGE FEES RELATED TO THOSE CERTIFICATIONS.

- Creates Laser Hair Practitioner
- Unlicensed practice is a **felony**
- Establishes requirements in Section 6 of the bill
 - Supervision by physician (N.C. Gen. Stat. §88A-11.1(c))
 - No medications dispensed or used
 - Must comply with all laws (FDA, etc.)
 - MD's/PA's/NP's exempted (page 3, Section 10 of the bill)

SESSION LAW 2007-146 HOUSE BILL 1492

AN ACT AUTHORIZING THE LICENSURE OF ANESTHESIOLOGIST ASSISTANTS.

- Criteria for licensure (Section 1 of the bill)
- Rules (Section 3)
- Limitations (Section 4)
- Supervision by anesthesiologist
- Limit of two (2) AA's per anesthesiologist

Litigation

Selection Process Lawsuit

A motion passed to close the session pursuant to 90-8, 90-14, 90-16, 90-21.22 and 143-318.11(a) in order to discuss pending litigation regarding the Board Member selection process.

Mr. Mansfield reported on the status of this lawsuit.

A motion passed to return to open session.

Capital Punishment Lawsuit

A motion passed to close the session pursuant to 90-8, 90-14, 90-16, 90-21.22 and 143-318.11(a) in order to discuss pending litigation filed by the Department of Correction regarding physician involvement in Capital Punishment.

Mr. Mansfield reported on the status of this lawsuit.

A motion passed to return to open session.

ALLIED HEALTH COMMITTEE REPORT

Don Jablonski, DO; Sarvesh Sathiraju, MD; Peggy Robinson, PA-C;

Initial Physician Assistant Licensed Approved

(July 10 – August 8, 2007)

Ajo, Donna Marie
Bailey, Kyle Frank
Boehmke, Karen Louise
Brooks, Amanda Elizabeth
Callahan, Gwen Susan
Cognac, Gregg Alan
Collins, Ann Marie
Davidson, Patrick Michael
Eck, Mary Ann
Fallis, Lauren Grace
Fossum, Kurt
Hassler, Heather Carson
Hoag, David Floyd
Holder, Paige Nichol
Kramer, Olga Maria
Livengood, Lawrence William
Nicol, Kristi Lynn
Skiles, Megan Christina
Skillman, Katherine Elizabeth
Taylor, Anne Marie
Wagner, Jeffrey Douglas
Wolf, Audrey Jean
York, Marianne Louise Cochran

Physician Assistant Additional Supervisor List

Name	Primary Supervisor	Practice City
Althisar, Henry	Davis, Jerome	Greensboro
Ambroise, Marie-Jacques	Pitts, Venus	Durham
Ardelean, Rhonda	Harmaty, Myron	Charlotte
Baker, Robin	Zammit, Joseph	Greensboro
Beach, Charles	Hart, Oliver	Winston Salem
Best, Jessica	Breiner, Jeffrey	Garner
Boehmke, Karen	Vu, Khanh	Henderson
Bradshaw, Sarah	Levy, Jay	Charlotte
Buchanan, Misty	Cox, Craig	Kernersville
Campbell, Kimberly	Perry, John	Raleigh
Carter, James	Obi, Reginald	Plymouth
Carter, Laura	Klinepeter, Kurt	Winston Salem
Chazan, Jennifer	Albright, Daniel	Raleigh
Christian, Michelle	Singh, Pradeep	Rock Hill
Christian, Michelle	Singhi, Sushil	Rock Hill
Dewar, John	Rosenbloom, Alan	Greensboro
Dewar, John	Voulgaropoulos, Menelaos	Stony Point
Elmore, Melanie	Benedict, Frederick	Raleigh
Elmore, Melanie	High, Rhett	Raleigh
Elmore, Melanie	Lyle, William	Raleigh
Ferrill, Elizabeth	Akman, Steven	Winston Salem
Ferron, Christopher	Williamson, Charles	Wilson
Fisher, Jessica	Gebrail, Ayman	Wilmington
Gauthier, Cherie	Armistead, Hal	Huntersville
Glasgow, Cheryl	Roy, Raymond	Winston Salem
Gregg, Lauren	Lohr, Lloyd	Lexington
Griffin, Lindsay	Brick, Wendy	Charlotte
Grove, Randall	Garrett, James	Jacksonville,
Hedgecock, Suzann	Jarrett, Thomas	Kernersville
Hinds, David	Ahmed, Maqsood	Goldsboro
Holder, Paige	Kelling, Douglas	Concord
Horton, Tiffany	Njapa, Anthony	Wilmington
Hunt, Scot	Rowson, Jonathan	Maxton
Hutchens, Michele	Rocamora, Lee	Winston Salem
Johnson, Curtis	Aul, Christopher	Fayetteville
Johnson, Mary Ann	Solovieff, Gregory	Goldsboro
Justice, Brenda	Reyes, Rodolfo	Benson
Kirk, John	Phillips, Bruce	Elizabethtown
Kramer, Olga	Hall, Timothy	Charlotte
Kurtz, Harry	Parnell, Jerome	Raleigh
Lee, Laurie	Yarborough, Kimberly	Roxboro

Lefler, Ronald	Templeton, David	Salisbury
Lehman, Michael	Low, William	Smithfield
Lehman, Michael	Yaeger, Edwin	Smithfield
Maddux, Joseph	Doshi, Hirendra	Raleigh
Mangin, Ross	Ghim, Michael	Greensboro
McClure, Kathleen	Loper, Peter	Charlotte
McDowell, Julie	Arnold, Terry	Lexington
Melgar, Tammy	Traylor, Henry	Wilmington
Mitchel, Roger	Aarons, Mark	Rockingham
Murray, Joanna	Lazio, Barbara	Greenville
Pedacchio, Misty	Medford, Mark	Pinehurst
Pilkington, Cynthia	Andrews, Robert	Durham
Revels, Christina	Melton, Kenneth	Fayetteville
Rojas, Brian	Benevides, Marc	Raleigh
Rojas, Brian	Edrington, Richard	Raleigh
Rojas, Brian	Stocks, Lewis	Raleigh
Scime, Kseniya	Harmaty, Myron	Charlotte
Sepka, Richard	Hocker, Michael	Durham
Skiles, Megan	Powell, Bayard	Winston Salem
Skillman, Katherine	Daniel, Terry	Eden
Swansiger, David	Rosen, Robert	Winston Salem
Wall, Luvae	Greenberg, Gary	Raleigh
Wallace, Connie	Howard, Chad	Monroe
Wheeler, Merritt	Bechtel, Mark	Charlotte
Wolf, Audrey	Burns, Martin	Charlotte
York, Marianne	Magod, Marc	Greensboro

Initial Nurse Practitioner Applicants

NAME	PRIMARY SUPERVISOR	PRACTICE CITY
Brinker, Celia	Mills, John	Henderson
Camplin, Kristen	Thomas, Dori	Wake Forest
Colosimo, Lisa	Chao, Nelson	Durham
Czimer, Virginia	Whitesides, Paul	Wilmington
DeLoach, Robin	Stewart, Robert	Chapel Hill
Denning, Mary	Stinson, Jeffrey	Wilmington
Dills, Erin	Greenspan, Linda	Rocky Point
Dimsdale, Allison	Blazing, Michael	Durham
Ervin, Brooke	Creighton, Robert	Chapel Hill
Evers, Stephanie	Bustard, Victor	New Bern
Frazier, Myra	Jones, Enrico	Kernersville
Goldsmith, Barbara	Stinson, Charles	Winston-Salem

Goley, Michael	Hamrick, Harvey	Chapel Hill
Holdsworth, Noel	Godfrey, Joseph	Gastonia
Johns, Angela	Chao, Nelson	Durham
Keen, Crystal	Coxe, James	Raleigh
Knox, Jill	Madison, Christopher	Shelby
McClellan, Virginia	Gush, Kimberly	Chapel Hill
Miller, Rory	Trani, Paul	Hendersonville
Morrissey, Kay	Bendell, Johanna	Durham
Myers, Jacqueline	Saik, Denise	Raleigh
Olivencia-Simmons, Ivelisse	Rich, Preston	Chapel Hill
Palm Andrews, Megan	Kindman, Louis	Oxford
Richardson, Michelle	Byrd, Christopher	Apex
Rock, Ella	Moore, Jeffrey	Laurinburg
Sherwood, Elizabeth	Godley, Paul	Chapel Hill
Tewolde, Catherine	Murphy, Gregory	Rocky Mount
Udike, Christina	Vincent, Mark	Huntersville
West, Margaret	Richter, Holly	Fayetteville
Whitley, Deanna	Thevaos, George	Indian Trail
Wiggins, Kristi	Chao, Nelson	Durham
Wilson, Julie	Simpson, Mark	Cary

Nurse Practitioner Additional Supervisor List

NAME	PRIMARY SUPERVISOR	PRACTICE CITY
Adriance, Robin	Heller, Michael	Clyde
Andrews, Nancy	DeSantis, Michael	Hickory
Angrisani, Patricia	McEwen, Luther	Largo
Baluha, Kathleen	Watters, John	Hendersonville
Barnhardt, Cynthia	St. Clair, Steven	Concord
Beane, Alice	Moore, Jeffrey	Laurinburg
Beasley, Amanda	Scarff, John	Lexington
Benbow, Debra	Jones, Enrico	Kernersville
Bowen, Betty	Buglisi, Lucille	Richlands
Brand, Dana	Farrington, Cecil	Salisbury
Bridgeman, Rachel	Teeter, Robert	Boone
Brown, Gaynelle	Shen, John	Albemarle
Brown, Laura	Kuller, Jeffrey	Raleigh
Burleson, Terri	Leggett, Kelly	Greensboro
Ciaccio, Joy	MacArthur, Robert	Greensboro
Cummings, Phillip	Hager, Angela	Fort Bragg
Cummings, Sally	Lizardo-Morales, Diana	Fort Bragg
Davis, Sandy	Chiu, Jenyung	High Point

Durant, Monica
Ellington, Heather
Fee, Mary
Fisher, Julie
Ghianni, Claudina
Golden, Maureen
Guin, Timothy
Gusmann, Robin
Harris, Kathy
Hensley, Amy
Hinson, Kristen
Hunter, Laura
Ikeakanam, Roseline
Ilesanmi, Adebola
Irving, Sharon
Jasmine, Mary
Jefferson, Brian
Jessup, Ann
Jones, Caron
Jones, Susanne
Key, Evelyn
Killgore, John
Kimble-Hahn, JoAnn
King, Paula
Laliberte, Sally
Lavoie-Vaughan, Nanette
Lineberry, Susan
Little, Judith
Marlow, Emily
Martin, Mary
May, Pia
Meade, Susan
Mullet, Stacy
Mullins, Margaret
Newsome, Elizabeth
Nilson-Taylor, Diana
Nwoko, Agnes
Parker, Debra
Parris, Christopher
Parrish, Rebecca
Perkins, Margaret
Pharr, Amy
Pruitt, Lysiane

MacArthur, Robert
Fletcher, Robert
Thompson, Myrna
Leggett, Kelly
Locklear, David
Burchette, Bruce
Goettler, Claudia
Fernandez, Gonzalo
Leggett, Kelly
Campbell, James
Coward, Holly
Goggin, Colin
Davis, Arthur
Jones, Enrico
Jonnalagadda, M.
Guerriero, Gregory
Thomason, Michael
Loechner, Karen
Harris, Robert
Buchanan, Sonya
Leggett, Kelly
Snow, Douglas
Readling, Randy
McCabe, Joseph
Vukoson, Matthew
MacArthur, Robert
Leggett, Kelly
Weidner, Julianne
Curzan, Mark
Jones, William
McCallum, Jeffrey
Van Dyke, Allen
Davis, George
Lyon-Smith, Mary
Leggett, Kelly
Gottschalk, Bernard
Jones, Enrico
Lynn, Nicholas
Munoz, Paul
Jones, Enrico
Schneider, Alexander
Chowdhury, Shabbir
Tran-Phu, Lan

Greensboro
Wilson
Charlotte
Greensboro
Belmont
Summerfield
Greenville
Cary
Greensboro
Danbury
Chapel Hill
Bryson City
Lillington
Winston-Salem
Jacksonville
Kannapolis
Charlotte
Chapel Hill
Burlington
Charlotte
Greensboro
Windsor
Salisbury
Morehead City
Chapel Hill
Greensboro
Greensboro
Charlotte
Cary
Wilmington
Morehead City
Asheville
Charlotte
Warrensville
Greensboro
Wilmington
Kernersville
Pinehurst
Shelby
Kernersville
Asheville
Fayetteville
Fayetteville

Raines, Christena	Meltzer-Brody, Samantha	Chapel Hill
Rinkacs, Thomas	Navaid, Musharraf	Laurinburg
Robinson, Carol	Jones, Enrico	Oak Ridge
Rosenbloom, Linda	Jarrett, David	Largo
Rosenbloom, Linda	Leggett, Kelly	Greensboro
Rowe, Veda	Bowman, Robley	Lenoir
Schalnat, Kimberly	MacArthur, Robert	Greensboro
Schroeder, Carol	MacArthur, Robert	Greensboro
Spach, Brenda	Fernandez, Gonzalo	Cary
Starr, Jvonne	Covington, Valencia	Charlotte
Stein, Judy	Ciscione-Schreiber, Lisa	Durham
Stokes, LaMonica	Herman, Christopher	Winston-Salem
Stoner, Christina	MacArthur, Robert	Greensboro
Sumner, Paula	Uthe, William	Pittsboro
Sylvain, Hope	Huppmann, Joseph	Wilmington
Taniguchi, Aline	Liddle, Rodger	Durham
Taraban, Lora	Giometti, Jon	Hickory
Thomas, Sheela	Fernandez, Gonzalo	Raleigh
Thompson-Zielke, Hazel	MacArthur, Robert	Greensboro
Vandergrift, Patricia	Ransom, James	Greensboro
Varnam, Deborah	Holland, George	Shallotte
Vernon, Ann	Jones, Enrico	Summerfield
Vinzani, Catherine	Bruce-Mensah, Kofi	Cary
Vogrinc, Ashley	Jones, Enrico	Greensboro
Wade, Jodie	Green, Waverly	Sylva
Walson, Stella	Jones, Enrico	Kernersville
Walters, Richard	DeVaul, Chanson	Vanceboro
Williamson, Kristen	Kelley, Michael	Durham
Wolff, Alison	Smith, Leslie	Kernersville
Yates, Karee	Phillips, Mark	Greensboro
Young, Sara	Spear, Tammy	Summerfield
Zbodula, Katherine	Potter, Joan	Charlotte

LICENSING COMMITTEE REPORT

Ralph Loomis, MD, Chair; Robert Moffatt, MD; John Lewis, JD

LICENSES APPROVED (July 21 – August 13, 2007)

Aachen-Winans, James Meryl
Abdelsayed, Ehab Ebrahim
Abraham, Daniel Joseph
Adams, Robert McLain
Adusumilli, Sankar Naidu

Ahrens, William Albert
Altomare, Ivy Paige
Attigere, Rekha Nagappa
Ball, Tracei Denise
Banks, Kevin Patrick

Barnum, LaMonica Yvette
Beal-Landis, Esther Rebecca
Berger, Erica Lynn
Bluth, Kirk Daniel
Bollig, John Joseph
Brooks, Olga Yevseyvna
Buzzard, Terry Lee
Cain, Kressida Tirea
Cantees, Kimberly Knight
Chander, Archana Vijaya
Church, Lori Ann
Cinemre, Hakan
Crawford, Regina Denise
Cunill, Erica Sandra
Cutting, Paul Jerome
Dalton, Rory Ralph
Daly, Jennifer Ann
Dasher, Lance Geoffrey
Deyoe, Lane Alan
Dolce, Charles James
Domnina, Yuliya Anatolievna
Doty, John Douglas
Downing, Brian Elliott
Dweik, Husni Wasif
Eigles, Stephen Barnett
Ejindu, Uwadiogbu Odinaka
Ellis, Patrick Christopher
Ernest, Roger Charles
Everett, Robert Scott
Fenton, Peter Edward
Firszt, Rafael
Flowers, Jeanne Smith
Frisch, Harold Michael
Garrison, Aaron Paul
Gaspar de Alba, Mario Jose
Gay, April Lavelle
George, Ayodeji Tokunbo
Giegengack, Matthew
Gizdarski, Veselin Stoyanov
Goad, Bradley Jackson
Gulati, Ajay Sujan
Hannum, Jennifer Lyn
Harris, William Thomas
Heiner, Mark David
Helmrath, Michael Anthony
Hollingshead, Michael Christian
Hook, Carol Kikkawa
Hossain, Mirmohd Mosharaf
House, Joseph Bernard
Hulsemann, Susan Jane
Iarussi, Richard Joseph

Iqbal, Mohammad Omer
Ji, Na Young
Johnston, Michael Joseph
Joshi, Deepak
Kairouz, Jeanne Marie
Kapoor, Sakshi
Kasthuri, Raj Sundar
Keys, Kristal Tamara
Keys, Kristal Tamara
Kirsch, David Guy
Kletzing, Karl Herbert
Kliesch, John Francis
Kowal, Kathleen Tammara
Lally, Patricia Elaine
Lane, Kenneth Stuart
Larbi-Siaw, Kwame
Lee, Marvin
Lee, Melvin Gordon
Lloyd, Lancelot Augustus
LoCascio, Elizabeth Spence
Lopez, Fernando A
Lovorn, Megan Beth
Macomber, Christine Linz
Madani, Navid
Mathew, Thomas
McBayer, Daniel Enoch
McNeal, Jenea Nicole
Mearns, John Floyd
Meka, Rajana
Michel, Eduard
Mirza, Alamgir
Moore, Laura Verde de Fornos
Nasruddin, Shaheda
O'Brien, James Patrick
Oyetunde, Olasunkanmi Kolawole
Palmer, Lena Brice
Panwar, Sangeeta
Parker, Sarah Cates
Patel, Sejan Bhupendra
Patel, Shomeet Vikram
Patel, Trushar Bhagvatbhai
Perry, Kevin Patrick
Phan, Quoc Tai
Phillips, Trevor Grant
Pitovski, Dimitri Zivko
Power, Kenneth Harrison
Preston, Lynn Marie
Quevedo, Sylvestre Grado
Railey, Kenyon Michael
Ramanathan, Chandar
Reebye, Uday Nitin

Rice, Nicole Wellman
Richardson, Maurice Devon Clay
Rimmer, Marina Valeryevna
Rossi, Victor
Roy Chowdhury, Kishore
Sanoff, Scott Leonard
Savera, Adnan Tabrez
Schroer, Brady Joe
Senor, Brett Blackmon
Sheikh, Shehzad Zafar
Simha, Shruti Vijaya
Skeens, Heather Michelle
Smith, Regina Lynn
Smith, Richard Allen
Snetman, Lawrence Amdur
Sohn, Ivy Ellen
Stalvey, Christopher Fenwick
Stashenko, Gregg Joseph
Stoune, Amy Annelle
Stuckert, Jody Bovard
Sunshine, Calamity Jane
Taylor, Aaron Milford

Tinney, Qionna Mariel
Urgo, Richard Charles
Vass, Kimberly Rae
Vora, Parul Vasant
Vyas, Hema
Walker, Courtney Allyson
Wallace, Eric Lee
Wallach, Adam Philip
Waller, Elizabeth Reitman
Waqas, Muhammad
Whyte, Brian Roland
Wilson, Amelia Pugh
Wright, Nioke Paula
Yamusah, Nadine Anne
Yanchik, Lori Michelle
Zervos, Emmanuel

Reactivation

Gorman, Alfred Carl
Longarini, Ricardo
Mittal, Yogesh

REVIEW (COMPLAINT) COMMITTEE REPORT

Robert Moffatt, MD; George Saunders, MD; Michael Norins, MD; Sarvesh Sathiraju, MD

Interim Letter of Concern (ILOC)

The Board approved the process for the Interim Letter of Concern (ILOC). Dr. Michael Sheppa (Office of Medical Director-OMD) clarified the process relating to the ILOC as follows: an ILOC is sent to a licensee when the Board desires that specific additional CME is necessary as a result of its review of a complaint, malpractice or investigation. Once the CME requirement is met the OMD will follow-up with a Private Letter of Concern (PLOC) regarding the particular aspects of the case that led to the Board's initial concern. The case is then closed by the staff. However, if the licensee does not complete the CME as requested the case will be brought back to the Board for further direction.

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

The Disciplinary (Complaint) Review Committee reported on 82 complaint cases. A written report was presented for the Board's review. The Board adopted the Committee's recommendation to approve the written report. The specifics of this report are not included because these actions are not public information.

A motion passed to return to open session.

DISCIPLINARY (INVESTIGATIVE) COMMITTEE REPORT

Janelle Rhyne, MD; Michael Norins, MD; Donald Jablonski, DO; Ralph Loomis, MD; John Lewis, JD

A motion passed to close the session to prevent the disclosure of information that is confidential pursuant to sections 90-8, 90-14, 90-16, and 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.

The Disciplinary (Investigative) Committee reported on two investigative cases. A written report was presented for the Board's review. The Board adopted the Committee's recommendation to approve the written report. The specifics of this report are not included because these actions are not public information.

A motion passed to return to open session.

ADJOURNMENT

This meeting was adjourned on August 16, 2007.

George L. Saunders III, MD
Secretary