



BOARD MEETING MINUTES

North Carolina Medical Board

December 9, 2022

**3127 Smoketree Court
Raleigh, North Carolina**

The North Carolina Medical Board held its scheduled December 2022 meeting at its offices at 3127 Smoketree Court, Raleigh, NC. Michaux R. Kilpatrick, M.D., Ph.D., President and Presiding Officer; called the meeting to order on Friday, December 9th, 2022, at 8:08 a.m. Board members participating were: Michaux R. Kilpatrick, M.D., Ph.D., President and Presiding Officer; Christine M. Khandelwal, D.O.; Devdutta G. Sangvai, M.D., M.B.A.; W. Howard Hall, M.D.; Melinda H. Privette, M.D., J.D.; Joshua Malcolm, J.D.; Anuradha Rao-Patel, M.D.; and Sharona Y. Johnson, Ph.D., FNP-BC. Also attending was The Honorable Fred Morelock, Independent Counsel who assisted the Board.

Presidential Remarks:

Dr. Kilpatrick commenced the meeting by reminding the Board members of their duty to avoid conflicts of interest with respect to any matters coming before the Board as required by the State Government Ethics Act.

No recusals were noted for the record.

HEARINGS

MORGAN, SHARON DENISE, NP – RALEIGH, NC

The Board was represented by Mr. Marcus Jimison. Ms. Morgan did not appear, and the matter was heard in absentia.

Ms. Morgan was charged with unprofessional conduct, including, but not limited to, a departure from, or the failure to conform to the standards of acceptable and prevailing medical practice, within the meaning of N.C.G.S. §90-14(a)(6) and violation of a law involving the practice of medicine within the meaning of N.C.G.S. §90-14(a)(7).

Following a hearing, the Board found that:

1. Ms. Morgan committed unprofessional conduct by departing from or failing to conform to the standards of acceptable and prevailing medical practice within the meaning of N.C. Gen. Stat. § 90-14(a)(6) by prescribing controlled substances to patients at a time when she did not have DEA privileges or restricted privileges by having another prescriber authorize the prescription under his DEA registration even though the other prescriber never examined the patients;

2. Ms. Morgan committed unprofessional conduct by departing from or failing to conform to the standards of acceptable and prevailing medical practice within the meaning of N.C. Gen. Stat. § 90-14(a)(6) by prescribing a controlled substance to Patient A at a time when she did not have an active DEA registration;
3. Ms. Morgan committed unprofessional conduct by departing from or failing to conform to the standards of acceptable and prevailing medical practice within the meaning of N.C. Gen. Stat. § 90-14(a)(6) by prescribing a Schedule II controlled substance to Patient B at a time when she had restricted DEA privileges that did not authorize her to prescribe Schedule II medications;
4. Ms. Morgan committed a violation of law involving the practice of medicine within the meaning of N.C. Gen. Stat. § 90-14(a)(7).

The Board voted to indefinitely suspend Ms. Morgan's approval to perform medical acts, tasks and functions as a nurse practitioner. Said suspension is retroactive to April 25, 2022.

INVESTIGATIVE MATTER

The Board went into closed 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 to discuss the proposed settlement.

The Board received a report regarding an investigative matter. The Board received information, discussed, voted and directed staff on the confidential investigative matter. The specifics of this report are not included because this action is not public information.

A motion to return to open session was made and passed, and the Board returned to open session.

SETTLEMENT PROPOSALS

AYERS, ROBERT ANDREW, PA - FAYETTEVILLE, NC

The Board was represented by Mr. Patrick Balestrieri. Mr. Ayers was represented by Mr. Michael Porter.

The Board heard presentations by Mr. Balestrieri and Mr. Porter in open session.

The Board went into closed 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 to discuss the proposed settlement.

The Board returned to open session.

The Board voted to accept the proposed Consent Order.

LAND, PHILLIP BARTON, PA - LEXINGTON, NC

The Board was represented by Mr. Marcus Jimison. Mr. Land was represented by Ms. Karen McKeithen Schaede.

The Board heard presentations by Mr. Jimison and Ms. McKeithen Schaede in open session.

The Board went into closed 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 to discuss the proposed settlement.

The Board returned to open session.

The Board voted to accept the proposed Consent Order.

RELIEF OF CONSENT ORDER PRESENTATIONS

VIRMANI, ASHUTOSH, MD - CHARLOTTE, NC

The Board was represented by Mr. Marcus Jimison. Dr. Virmani was represented by Mr. Winfred R. Ervin, Jr.

The Board heard presentations by Mr. Jimison and Mr. Ervin in open session.

The Board went into closed 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 to discuss the proposed settlement.

The Board returned to open session.

The Board voted to allow the Relief of Consent Order Obligations.

Adjournment:

This meeting was adjourned at 2:45 p.m., Friday, December 9, 2022.

A handwritten signature in black ink, appearing to read 'Sangvai', with a stylized flourish at the end.

Devdutta G. Sangvai, MD, MBA
Secretary/Treasurer