



# **BOARD MEETING MINUTES**

**July 20 – 22, 2022**

**3127 Smoketree Court  
Raleigh, North Carolina**

General Session Minutes of the North Carolina Medical Board (NCMB) Meeting held July 20-22, 2022.

The July 20-22, 2022 meeting of the North Carolina Medical Board was held at 3127 Smoketree Court, Raleigh, NC 27604. John W. Rusher, MD, JD; President, called the meeting to order. Board members in attendance were: Michaux R. Kilpatrick, MD; President-Elect; Christine M. Khandelwal, DO; Secretary/Treasurer; Shawn P. Parker, JD; W. Howard Hall, MD; Damian F. McHugh, MD; Devdutta G. Sangvai, MD, Mr. William M. Brawley; Anuradha Rao-Patel, MD; Sharona Y. Johnson, PhD, FNP-BC; Miguel A. Pineiro, PA-C; and Melinda H. Privette, MD, JD. Absent was Joshua D. Malcolm, JD.

### **PRESIDENTIAL REMARKS**

Dr. John W. Rusher reminded 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. Reported conflicts were included within individual committee reports.

### **ANNOUNCEMENTS and UPDATES**

Dr. Rusher recognized new staff as they were introduced by their perspective manager.  
Dr. Rusher also recognized those with Federation of State Medical Boards (FSMB) appointments.

### **PRESENTATION(S)**

Dr. Rusher introduced Robin King Thiele, DO, of the NC Osteopathic Medical Association (NCOMA) who gave a presentation on the NCOMA.

Dr. Rusher introduced Michael J. Utecht, MD, FACEP, President (Term 2021-2022) of the NC Medical Society (NCMS) who gave a presentation on the NCMS.

Dr. Rusher introduced Molly Calabria, MPAP, PA-C, President of the NC Association of Physician Assistants (NCAPA), who gave a presentation on the NCAPA. She was accompanied by Emily Adams, Executive Director of the NCAPA.

Dr. Rusher introduced Charlene Green, MD, President of the Old North State Medical Society (ONSMS), who gave a presentation on ONSMS.

### **NORTH CAROLINA PHYSICIAN HEALTH PROGRAM REPORTS (NCPHP)**

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, 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 and/or to preserve attorney-client privilege.

Dr. Jordan gave the PHP Compliance Committee report. The specifics of this report are not included because the information contained in the report is confidential and non-public.

A motion passed to return to open session.

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Dr. Jordan gave the NCPHP Audit report – financial statements.

### **NCMB ATTORNEY’S REPORT**

Mr. Brian L. Blankenship, Deputy General Counsel and Mr. Thomas W. Mansfield, Chief Legal Officer, gave the Attorney’s Report on Friday, July 22nd, 2022.

Mr. Blankenship and Mr. Mansfield updated the Board on the schedule of upcoming hearings, hearing assignments and rule activity of the Board.

A motion passed to close the session pursuant to N.C. Gen Stat. §143-318.11(a) 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 public records within the meaning of Chapter 132 of the General Statutes and/or to preserve attorney/client privilege.

Mr. Mansfield provided legal advice within the attorney-client privilege regarding two outside litigation matters.

Mr. Blankenship provided information and legal advice within the attorney-client privilege regarding work performed by the Board’s Legal Department since the last Attorney’s Report was presented.

Mr. Mansfield provided legal advice within the attorney-client privilege regarding the issue sheets from the Office of the State Auditor and forecasted how that would relate to the final report from the auditor.

A motion was passed to return to open session.

That concluded the Attorney’s Report.

### **Legislative Update**

On Friday, July 22nd, 2022, the Board’s Legislative Liaison, Mr. Thomas W. Mansfield, and Board Attorney Elizabeth Meredith provided a legislative update to the Board.

The Board accepted the report as information

### **NCMB COMMITTEE REPORTS**

#### **Executive Committee Report**

Members present via video/teleconference were: John W. Rusher, MD, JD Chairperson; Michaux R. Kilpatrick, MD, PhD; Christine M. Khandelwal, DO; W. Howard Hall, MD; and Devdutta G. Sangvai, MD, MBA

Financial Update

a. Year-To-Date Financials

The Committee reviewed the following financial reports through May 31, 2022: Balance Sheet, Profit & Loss versus Budget, and the Profit & Loss Comparison.

Committee Recommendation: Accept the financial information as reported.

Board Action: Accept the Committee recommendation. Accept the financial information as reported.

b. Investment Account

The Committee reviewed the investment statements for May and June 2022. In addition, the Committee received an economic update from the Board's investment advisor, Mr. Matt Wedding, Regional Director of Portfolio Management, Fifth Third Bank.

Committee Recommendation: Accept the investment statements and the economic update as reported.

Board Action: Accept the Committee recommendation. Accept the investment statements as reported.

Old Business:

a. 2022 NCMB Retreat (August 12 – 14)

The Committee reviewed final details regarding the upcoming Board retreat.

Committee Recommendation: Accept as information.

Board Action: Accept the Committee recommendation. Accept as information.

New Business:

a. NCMB Appointments

There are three seats to be appointed by the Governor this year via the NCMB Review Panel:

- Dr. Sangvai (eligible for reappointment; seeking reappointment)
- Dr. Hall (eligible for reappointment; seeking reappointment)
- Dr. McHugh (not eligible for reappointment)

The Review Panel will meet on August 27 to conduct interviews, discuss the candidates, and decide whom to nominate to the Governor.

There is one seat to be appointed by the Governor (outside the Review Panel process):

- Mr. Malcolm (eligible for reappointment; seeking reappointment)

Committee Recommendation: Accept as Information.

Board Action: Accept the Committee recommendation. Accept as information.

- b. Meeting with Other Members of the Board to Solicit Nominations for Officers and At-Large Executive Committee Members.

As provided in the Bylaws, the Executive Committee met with other members of the Board to solicit recommendations for the open positions: President-Elect, Secretary/Treasurer and Member-at-Large.

Committee Recommendation: Accept as Information.

Board Action: Accept the Committee recommendation. Accept as information.

- c. Meeting to Discuss Nominees

A motion passed to go into closed session pursuant to Section 143-318.11(a) of the North Carolina General Statutes to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee.

As per Article IV, Section 2 of the NCMB Bylaws, the Executive Committee retired to discuss a slate of candidates for President-Elect, Secretary/Treasurer and At-Large Executive Committee member.

A motion passed to return to open session.

- d. Announcement of Nominees

The Executive Committee nominates the following members for the following positions:

President-Elect: Christine M. Khandelwal, DO

Secretary/Treasurer: Devdutta G. Sangvai, MD

Member at Large: Anuradha Rao-Patel, MD

Committee Recommendation: Approve the slate of nominees as presented.

Board Action: Accept the Committee recommendation. Approve the slate of nominees as presented

### **Policy Committee Report**

Members present were: Mr. William M. Brawley; Chairperson; Michaux R. Kilpatrick, MD, PhD; Miguel A. Pineiro, PA-C. Absent, Melinda H. Privette, MD, JD. Absent were: Joshua Malcolm, JD

## Old Business:

### a. 9.1.3. Licensee Employment

Staff provided the genesis for the proposed position statement and an overview of the resources used to aid in drafting the new, proposed position statement. The Committee then reviewed the proposed position statement and specific notations made by staff throughout the proposed position statement. The proposed position statement was reviewed favorably as an initial draft.

The Committee discussed potential revisions, including removing the reference to the “Corporate Practice of Medicine” position statement, due to concerns regarding certain exemptions that could impact employed licensees. The Committee also agreed that certain sections may need to be revised or removed based on those sections being aimed at guiding healthcare systems and employers, and not licensees. The Committee also discussed the need to include language regarding employed licensee’s obligation to conform to the standards of acceptable and prevailing medical practice in North Carolina.

The Committee requested that staff incorporate certain approved changes and then circulate the draft position statement to the Committee members. The Committee members will then make suggested changes and comments, which will be compiled into a revised position statement for review at the September 2022 Board meeting.

Committee recommendation: Staff will make redline changes as directed by the Committee and circulate the revised position statement to Committee members. Committee members will then make suggested changes and comments and staff will compile the changes into a revised position statement showing the suggested changes and comments. The revised position statement will be discussed at the September 2022 Board meeting.

Board Action: Accept the Committee recommendation. Staff will make redline changes as directed by the Committee and circulate the revised position statement to Committee members. Committee members will then make suggested changes and comments and staff will compile the changes into a revised position statement showing the suggested changes and comments. The revised position statement will be discussed at the September 2022 Board meeting.

## **Licensing Committee Report**

Members present were: Anuradha Rao-Patel, MD, Chairperson; Damian McHugh, MD, Shawn Parker, JD, Miguel Pineiro, PA-C. Absent were: Joshua Malcolm, JD.

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, 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 and/or to preserve attorney-client privilege.

The License Committee reviewed three 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.

A motion passed to return to open session.

### **License Interview Report**

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, 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 and/or to preserve attorney-client privilege.

Seven licensure interviews were conducted. 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 (Malpractice) Committee Report**

Members present were: Devdutta G. Sangvai, Chairperson; W. Howard Hall, MD; (Vice-Chair) Sharona Y. Johnson, FNP-BC; Christine M. Khandelwal, DO; Melinda H. Privette, MD, JD and Anuradha Rao-Patel, MD. Absent were: Joshua D. Malcolm, JD.

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, 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 and/or to preserve attorney-client privilege.

The Disciplinary (Malpractice) Committee reviewed 25 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**

Members present were: Devdutta G. Sangvai, Chairperson; W. Howard Hall, MD; (Vice-Chair) Sharona Y. Johnson, FNP-BC; Christine M. Khandelwal, DO; Melinda H. Privette, MD, JD and Anuradha Rao-Patel, MD. Absent were: Joshua D. Malcolm, JD

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, 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 and/or to preserve attorney-client privilege.

The Disciplinary (Investigative) Committee reviewed 47 investigative cases. A written report was presented for the Board's review. The Board adopted the recommendations and approved 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 (Complaints) Committee Report**

Members present were: Devdutta G. Sangvai, Chairperson; W. Howard Hall, MD; (Vice-Chair) Sharona Y. Johnson, FNP-BC; Christine M. Khandelwal, DO; Melinda H. Privette, MD, JD and Anuradha Rao-Patel, MD. Members absent were, Joshua D. Malcolm, JD.

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, 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 and/or to preserve attorney-client privilege.

The Disciplinary (Complaints) Committee reviewed 28 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.

A motion passed to return to open session.

### **Disciplinary (Department of Health and Human Services) (DHHS) Committee Report**

Members present were: Devdutta G. Sangvai, Chairperson; W. Howard Hall, MD; (Vice-Chair) Sharona Y. Johnson, FNP-BC; Christine M. Khandelwal, DO; Melinda H. Privette, MD, JD and Anuradha Rao-Patel, MD. Members absent were, Joshua D. Malcolm, JD.

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, 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 and/or to preserve attorney-client privilege.

The Disciplinary (DHHS) Committee reviewed 3 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.

A motion passed to return to open session.

### **Disciplinary (Compliance) Committee Report**

Members present were: Devdutta G. Sangvai, Chairperson; W. Howard Hall, MD; (Vice-Chair) Sharona Y. Johnson, FNP-BC; Christine M. Khandelwal, DO; Melinda H. Privette, MD, JD and Anuradha Rao-Patel, MD. Absent were: Joshua D. Malcolm, JD.



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, 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 and/or to preserve attorney-client privilege.

The Disciplinary (Compliance) Committee reviewed three investigative cases. A written report was presented for the Board's review. The Board adopted the recommendations and approved 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.

### **Investigative Interview Report**

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, 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 and/or to preserve attorney-client privilege.

Ten interviews were conducted. A written report was presented for the Board's review. The Board adopted the recommendations and approved 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.

### **Outreach Committee Report**

Members present were: Damian F. McHugh, MD, Chairperson; William M. Brawley; W. Howard, MD; Sharona Y. Johnson, PhD, FNP-BC; Anuradha Rao-Patel, MD

New Business:

- a. Systems solutions for Providers in Distress: local and national perspective
  - i. Cormac O'Donovan, MD

NCMB continued its efforts to learn about the approaches major North Carolina hospital and health systems are using to address clinician burnout. Dr. O'Donovan is on faculty at the Wake Forest Baptist University (WFBU), Department of Neurology, where he is Director of the Comprehensive Epilepsy Center. Following his personal experience with clinician burnout about a decade ago, Dr. O'Donovan has been actively engaged in studying the topic and investigating ways to nurture wellness among medical professionals. He noted WFBU's role about six years ago in establishing the NC Consortium for Physician Resilience & Retention, of which NCMB was a member. The Consortium inspired NCMB to examine its licensing and renewal applications and led to the removal of questions that require new applicants and renewing licensees to disclose

whether they are in treatment for mental health diagnoses. Dr. O'Donovan noted that Wake Forest Baptist recently merged with Atrium Health and, thus, the new entity's approach to wellness is a "moving target" and it does not currently have a Chief Wellness Officer. The system does currently have a Physician Wellbeing Advisory Committee that advises the C-Suite on wellness matters. The group has done innovative outreach, such as meeting with spouses of residents training at WFBU, to learn more about the effects of clinician burnout on families. Finally, the system is planning the Atrium Center for Wellbeing, though its mission and scope have yet to be determined.

Committee recommendation: Accept as information.

Board action: Accept Committee recommendation. Accept as information.

ii. Art Hengerer, MD

Also, in service of its efforts to remain abreast of current work to support clinician wellness, NCMB welcomed national expert Dr. Art Hengerer to present. He is a member of the National Action Collaborative, National Academy of Medicine. Dr Hengerer is a past Chair of the Federation of State Medical Boards and currently serves as a member of the Federation of State Physician Health Programs. Dr. Hengerer gave an overview of the National Academy's considerable work to address clinician burnout since 2017. Accomplishments include: Convening 55 stakeholders and more than 200 supporting organizations; creating a conceptual model of burnout that clearly identifies system drivers as the primary cause of professional burnout and building an online knowledge hub; activating stakeholders to increase scholarly literature on clinician burnout; preparing a report entitled, *Taking Action Against Clinical Burnout – A System Approach to Professional Well-being*; and convening a workgroup to explore ways to address stigma and the "culture of silence" in medicine that prevents clinicians from speaking freely about burnout. All of this work occurred before the COVID-19 pandemic. Since the pandemic, the National Academy has worked with a consultant to develop a plan to strengthen healthcare workforce wellbeing and is collaborating with US Attorney General Vivek Murthy, MD, who recently identified building a thriving healthcare workforce as a national health priority.

Committee recommendation: Accept as information.

Board action: Accept Committee recommendation. Accept as information.

## ADJOURNMENT

The Medical Board adjourned at 1:12 p.m. on Friday, July 22, 2022

The next meeting of the Medical Board is scheduled for September 21-23, 2022.



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Christine M. Khandelwal, DO, Secretary/Treasurer

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