



# **BOARD MEETING MINUTES**

**North Carolina Medical Board**

**June 15-16, 2023**

**3127 Smoketree Court  
Raleigh, North Carolina**

The North Carolina Medical Board held its scheduled June 2023 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 Thursday, June 15th, 2023, at 8:13 a.m. Board members participating were: Michaux R. Kilpatrick, M.D., Ph.D., President and Presiding Officer; Christine M. Khandelwal, D.O.; N. Melinda Hill-Price, M.D., J.D.; Anuradha Rao-Patel, M.D.; Sharona Y. Johnson, Ph.D., FNP-BC; William M. Brawley; Miguel A. Pinero, PA-C; and Robert Rich, Jr., M.D. 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**

#### **FLEISCHHAUER, THOMAS FRAZEE, MD – MISSISSIPPI**

The Board was represented by Mr. Marcus Jimison. Dr. Fleischhauer appeared and represented himself.

Dr. Fleischhauer's application for a North Carolina Medical License was denied pursuant to N.C. Gen. Stat. § 90-14(a)(1), (a)(6), and (a)(13). Dr. Fleischhauer requested a formal hearing before the Board.

Following a hearing, the Board found that:

1. Dr. Fleischhauer's 2005 Consent Order with the Board was a basis to deny his application for a license to practice medicine within the meaning of North Carolina General Statute §§ 90-14(a)(6) and (13).

2. Dr. Fleischhauer's 2006 Consent Order with the Board was a basis to deny his application for a license to practice medicine within the meaning of North Carolina General Statutes §§ 90-14(a)(6) and (13).
3. Dr. Fleischhauer's 2011 Consent Order with the Mississippi Board was a basis to deny his application for a license to practice medicine within the meaning of North Carolina General Statutes §§ 90-14(a)(1), (6), and (13).
4. Dr. Fleischhauer's conduct, which led to the issuance of the Board's October 2, 2008 Private Letter of Concern was a basis to deny his application for a license to practice medicine within the meaning of North Carolina General Statute §§ 90-14(a)(6).

The Board voted to uphold the denial of Dr. Fleischhauer's application for a North Carolina medical license.

#### **SMITH, HEATHER MARIE, PA-C – MILL SPRINGS, NC**

The Board was represented by Mr. D. Todd Brosius. Ms. Smith appeared and represented herself.

Ms. Smith's application for a North Carolina Medical License was denied pursuant to N.C. Gen. Stat. § 90-14(a)(13) and (a)(3). Ms. Smith requested a formal hearing before the Board.

Following a hearing, the Board found that:

1. The 2016 Stipulated Settlement and Disciplinary Order with the California Board constituted Ms. Smith's physician assistant license being restricted or acted against by the licensing authority of any jurisdiction within the meaning of N.C. Gen. Stat. § 90-14(a)(13).
2. The 2019 Stipulated Settlement and Disciplinary Order with the California Board constituted Ms. Smith's physician assistant license being restricted or acted against by the licensing authority of any jurisdiction within the meaning of N.C. Gen. Stat. § 90-14(a)(13).
3. The 2020 Tennessee Board's Final Order constituted Ms. Smith's physician assistant license being denied by the licensing authority of any jurisdiction within the meaning of N.C. Gen. Stat. § 90-14(a)(13).

4. The 2020 Memorandum of Agreement with the DEA constituted Ms. Smith's physician assistant license being restricted or acted against by the licensing authority of any jurisdiction within the meaning of N.C. Gen. Stat. § 90-14(a)(13).
5. Ms. Smith's failure to disclose the 2020 Denial Order constituted Ms. Smith making false statements or representations to the Board, or willfully concealing from the Board material information in connection with an application for a license, within the meaning of N.C. Gen. Stat. § 90-14(a)(3).

The Board voted to uphold the denial of Ms. Smith's application for a North Carolina physician assistant license.

### **SETTLEMENT PROPOSALS**

#### **WILLIS, BRENDA SUE, MD – LINCOLNTON, NC**

The Board was represented by Mr. Patrick Balestrieri. Dr. Willis was represented by Ms. Crystal Carlisle.

The Board heard presentations by Mr. Balestrieri and Ms. Carlisle 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 with the following amendment:

1. Board's Office of Medical Director ("OMD") to do a chart review to assess Dr. Willis' ongoing care in three months. OMD should restrict timeframe of the care reviewed to June 2023 forward.

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.

### **CLOSED SESSION SETTLEMENT PROPOSAL**

The Board was represented by Mr. Marcus Jimison. Opposing counsel was Mr. Joshua Walthall. Mr. Walthall did not appear and the matter was presented ex parte at the consent of both parties.

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.

### **Adjournment:**

This meeting was adjourned at 10:18 a.m., Friday, June 16, 2023.



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Devdutta G. Sangvai, M.D., MBA  
Secretary/Treasurer