

MINUTES

North Carolina Medical Board

March 15-17, 2006

**1203 Front Street
Raleigh, North Carolina**

Minutes of the Open Sessions of the North Carolina Medical Board Meeting March 15-17, 2006.

The March 15-17, 2006, 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 8:05 a.m., Wednesday, March 15, 2006, by Robert C. Moffatt, MD, President. Board members in attendance were: H. Arthur McCulloch, MD, President Elect; Janelle A. Rhyne, MD, Secretary; Mr. Aloysius P. Walsh, Treasurer; E. K. Fretwell, PhD; Robin N. Hunter Buskey, PA-C (absent March 17); Donald E. Jablonski, DO; Ralph C. Loomis, MD (absent March 17); Michael E. Norins, MD; Sarvesh Sathiraju, MD; George L. Saunders, III, MD (absent March 17); and Dicky S. Walia (only present for Board photo on March 16).

Staff members present were: R. David Henderson, JD, Executive Director; 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; Don R. Pittman, Investigator/Compliance Coordinator; Mr. Edmund Kirby-Smith, Investigator; Mrs. Therese Dembroski, Investigator; Mr. Loy C. Ingold, Investigator, Mr. Bruce B. Jarvis, Investigator; Mr. Robert Ayala, Investigator; Mr. Richard Sims, Investigator; Mr. David Van Parker, Investigator; Mr. Vernon Leroy Allen, Investigator; Ms. Jenny Olmstead, Senior Investigative Coordinator; Ms. Barbara Rodrigues, Investigative Coordinator; Mr. Dale Breaden, Director of Communications and Public Affairs; Ms. Dena Marshall, Public Affairs Assistant; Mrs. Joy D. Cooke, Licensing Director; Ms. Michelle Allen, Licensing Supervisor; Ms. Amy Ingram, Licensing Assistant; Ms. Lori King, Physician Extender Coordinator; Ms. Quanta Williams, Physician Extender Coordinator; Jesse Roberts, MD, Medical Director; Michael Sheppa, 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. Ravonda James, Receptionist; Mr. Donald Smelcer, Technology Department Director; Ms. Dawn LaSure, Human Resources Director; and Mr. Jeffery Denton, Executive Assistant/Verification Coordinator.

MISCELLANEOUS

Presidential Remarks

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

North Carolina Board of Pharmacy – New Executive Director

Mr. Henderson introduced David Work, Executive Director, North Carolina Board of Pharmacy to the Medical Board. Mr. Work is retiring after 30 years with the Board of Pharmacy. He introduced his successor, Jay Campbell, JD. Mr. Campbell is a 1993 graduate of the UNC School of Pharmacy and a 1997 graduate of Vanderbilt University School of Law. Dr. Moffatt thanked them for coming and stated that the Board looks forward to many fruitful years of working together.

Federation of State Medical Boards, Board of Directors Report Update

Ms. Hunter Buskey updated the Board regarding the recent meeting of the FSMB Board of Directors.

North Carolina Association of Physician Assistants (NCAPA) Presentation

Ms. Audrey Tuttle, President, NCAPA, presented Ms. Robin Hunter Buskey with the Physician Assistant of the Year Award.

Brian Nathan Ling, MD – A Resolution

Motion: A motion passed adopting the following resolution:

NORTH CAROLINA MEDICAL BOARD
A Resolution

On the Death of Brian Nathan Ling, MD
“A beloved and caring physician”

RESOLVED: That the members and staff of the North Carolina Medical Board have been shocked and deeply moved by the tragic death of Brian Nathan Ling, MD, of Asheville. We wish to express our most profound sympathy to his family, friends, and colleagues. We know full well that no words can adequately express the anguish and pain such a senseless tragedy can bring. We can only pray that the caring hearts and quiet thoughts of all who knew Dr Ling will lend comfort and support to his loved ones now and in the future. God bless them all.

Declaratory Ruling – Adoption of Rules

Motion: A motion passed adopting the following rules regarding requests, dispositions and procedures for declaratory rulings.

21 NCAC 32A .0111 REQUEST FOR DECLARATORY RULING

- (a) All requests for declaratory rulings shall be written and mailed to the Board at 1203 Front Street, Raleigh, North Carolina 27609. The envelope containing the request should clearly bear the notation: "REQUEST FOR DECLARATORY RULING".
- (b) Each Request for Declaratory Ruling must include the following information:
 - (1) the name and address of the person requesting the ruling;
 - (2) the statute or rule to which the request relates;
 - (3) a concise statement of the manner in which the requesting person is affected by the statute or rule or its potential application to that person;
 - (4) a statement whether an oral hearing is desired and, if so, the reason therefor.

History Note: Authority G.S. 150B-4.

21 NCAC 32A .0112 DISPOSITION OF REQUEST

- (a) Upon receipt of a Request for Declaratory Ruling, the Board shall determine whether a ruling is appropriate under the facts stated.
- (b) When the Board determines for good cause that the issuance of a declaratory ruling is inappropriate, the Board shall notify, in writing, the person requesting the ruling, stating the reasons for the denial of the request.
- (c) The Board will ordinarily decline to issue a declaratory ruling where:
 - (1) there has been a similar controlling factual determination made by the Board in a contested case;
 - (2) the rule-making record shows that the factual issues raised by the request were specifically considered prior to adoption of the rule; or

- (3) the subject-matter of the request is involved in pending litigation in any state or federal court in North Carolina;
- (4) the petitioner fails to show that the circumstances are so changed since the adoption of the statute or rule that a ruling is warranted.

History Note: Authority G.S. 150B-4.

21 NCAC 32A .0113 PROCEDURE FOR DECLARATORY RULING

Prior to issuing a declaratory ruling, the Board may give notice of the declaratory ruling proceedings to any person(s) it deems appropriate and may direct that fact-finding proceedings appropriate to the circumstances of the particular request be conducted. The proceedings may consist of written submissions, an oral hearing, or other appropriate proceedings.

History Note: Authority G.S. 150B-4

MINUTE APPROVAL

Motion: A motion passed that the February 15-16, 2006, Board Minutes are approved as presented.

ATTORNEY'S REPORT

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 and to preserve attorney/client privilege.

Written reports on 106 cases were presented for the Board's review. The specifics of this report are not included as these actions are not public information.

A motion passed to return to open session.

PUBLIC ACTIONS

AHLAWAT, Ranvir, MD

Consent Order executed 3/2/2006

AHMAD, Nasiha, MD

Order Dismissing Charges executed 2/21/2006

BARR, John Findley, MD

Notice of Charges and Allegations; Notice of Hearing executed 2/28/2006

BOTWRIGHT, Gene Robert, MD

Notice of Charges and Allegations; Notice of Hearing executed 3/10/2006

BOZEMAN, Elizabeth Ribadeneyra, MD

Termination of Consent Order executed 1/26/2006

BROWN, Frank Joseph, MD

Findings of Fact, Conclusions of Law and Order of Discipline executed 2/23/2006

CHAMPION, Lawrence Andrew, MD

Consent Order executed 1/20/2006

CONIGLIO, Gerald Anthony, MD

Consent Order executed 1/31/2006

COYNE, Mark Dennis, MD

Notice of Charges and Allegations; Notice of Hearing executed 1/26/2006

CREEF, Michael Seldon, MD

Consent Order executed 2/21/2006

DAVIS, John Blevins, MD

Consent Order executed 1/20/2006

De Gregorio, Peter Anthony, MD

Voluntary surrender accepted 3/1/2006

DERBES, Lawrence Joseph, MD

Consent Order executed 1/30/2006

DRAKE, Miles Edward, MD

Notice of Charges and Allegations executed 1/30/2006

DURRANCE, Donald William, MD

Consent Order executed 2/27/2006

ELAM, Curtis Jay, MD

Consent Order executed 2/3/2006

FAULCON, Clarence Lee, MD

Re-Entry Agreement and Order executed 3/10/2006

FINEBERG, David Aaron

Denial letter executed 3/10/2006

FORTKORT, Peter Thomas, MD

Consent Order executed 1/20/2006

FOSTER, Augustus Hunter, MD

Consent Order executed 1/24/2006

GARNDER, James Eric, MD

Consent Order executed 1/20/2006

GREER, Michael Edward, MD

Notice of Charges and Allegations; Notice of Hearing executed 2/17/2006

GROSSLING, Sergio Frudenburg, MD

Findings of Fact, Conclusions of Law and Order executed 2/22/2006

GUALTEROS, Oscar Mauricio, MD

Consent Order executed 1/20/2006

GUNNOE, Bryan Andrew, MD

Consent Order executed 3/7/2006

IACONO, Robert Paul, MD

Notice of Charges and Allegations; Notice of Hearing executed 2/21/2006

IRVIN, John David, MD

Non-Disciplinary Consent Order executed 1/20/2006

KHAN, Abdul Rahim, MD

Notice of Charges and Allegations; Notice of Hearing executed 2/27/2006

KLUTTZ, Brenda Mills, MD

Entry of Revocation executed 3/13/2006

LaGRANGE, Charles Rex, MD

Findings of Fact, Conclusions of Law and Order executed 2/21/2006

LACEY, Jami Ritch, MD

Consent Order executed 2/3/2006

LILLY, Josiah Kenneth, MD

Consent Order executed 1/31/2006

LOCKE, Charles John, MD

Notice of Charges and Allegations, Notice of Hearing executed 3/13/2006

LONG, James Randall, MD

Order Terminating Consent Order executed 3/2/2006

LONGAS, Philip Lee, MD

Consent Order executed 2/2/2006

MACGUFFIE, Martha Morgan, MD

Notice of Charges and Allegations; Notice of Hearing executed 2/27/2006

MARGOLIS, Jeffrey Alan, MD

Consent Order executed 3/16/2006

MATTHEW-THOMPSON, Laura Jean, MD

Notice of Charges and Allegations; Notice of Hearing executed 2/3/2006

MATTHIAS, Weeza, MD

Notice of Charges and Allegations; Notice of Hearing executed 2/3/2006

MERGENER, Klaus Dieter, MD

Findings of Fact, Conclusions of Law and Order executed 2/13/2006

NEWBROUGH, David Chester, PA

Consent Order executed 1/25/2006

OLSEN, Thomas George, MD

Consent Order executed 1/25/2006

PRYZANT, Charles Zanwill, MD

Notice of Charges and Allegations; Notice of Hearing executed 2/17/2006

REYNOLDS, Joel Crist, MD

Findings of Fact, Conclusions of Law and Order executed 2/27/2006

RICARD, Denis Philip, PA

Consent Order executed 2/16/2006

ROULHAC, Maurice Raynard, MD

Consent Order executed 1/20/2006

SALUJA, Darshan Singh, MD

Notice of Charges and Allegations; Notice of Hearing executed 2/27/2006

SAPPINGTON, John Shannon, MD

Consent Order executed 2/17/2006

SMITH, Forrest Owen, MD

Order Dismissing Charges without Prejudice executed 2/21/2006

SWEET, Amanda Jayne, PA

Consent Order executed 2/24/2006

TATE, Larry Raymond, MD

Findings of Fact, Conclusions of Law and Order executed 2/13/2006

TAYLOR, Dennis Absher, NP

Consent Order executed 2/16/2006

TINSLEY, Ellis Allan, MD

Re-Entry Agreement and Order executed 2/9/2006

TRIANA, Rudolph Joseph, MD

Consent Order executed 3/3/2006

VARANASI, Sangeeta Chugha, MD

Termination of Re-Entry Agreement and Order executed 1/30/2006

WADDELL, Roger Dale, MD

Amended Consent Order executed 3/2/2006

WATSON, David Gregory, MD

Findings of Fact, Conclusions of Law of Order 2/13/2006

WURSTER, Samuel Howard, MD

Notice of Charges and Allegations, Notice of Hearing executed 3/15/2006

Miscellaneous

Right to Withdraw Application for a License to Practice

The Legal Department provided a memorandum and explanation thereof to the Board in response to its request for an opinion on the question of when an applicant loses the power to withdraw his or her application for a license to practice medicine and surgery without the permission of the Board.

EXECUTIVE COMMITTEE REPORT

Robert Moffatt, MD; Arthur McCulloch, MD; Janelle Rhyne, MD; Aloysius Walsh; George Saunders, MD

The Executive Committee of the North Carolina Medical Board was called to order at 10:45 am, Wednesday March 15, 2006 at the offices of the Board. Members present were: Robert C. Moffatt, MD, President; Harlan A. McCulloch, MD; Janelle A. Rhyne, MD; George L. Saunders, MD; and Aloysius P. Walsh. Also present were R. David Henderson (Executive Director), Hari Gupta (Director of Operations), and Peter T. Celentano, CPA (Comptroller).

Financial Statements

Mr. Celentano, CPA, presented to the committee the January 2006 compiled financial statements. January is the end of the first quarter of fiscal year 2006.

Mr. Celentano commented to the Committee that the total revenue for fiscal year 2006 are less than 1% over budget and total administrative expenses are 3% under budget at this time.

The Executive Committee asked the staff to research short term investment opportunities and report back at the next meeting.

The January 2006 Investment Summary was reviewed and accepted as presented.

Dr. McCulloch made a motion to accept the financial statements as reported. Mr. Walsh seconded the motion and the motion was approved unanimously.

Old Business

Investment Plan for Cash Management: Mr. Celentano reviewed with the Committee the Investment Plan for Cash Management. The members of the Executive Committee reviewed the document and unanimously agreed no modification to the document was necessary at this time.

Laws/rules PAs/NPs - Supervision: Mr. Marcus Jimison, staff attorney reviewed with the Committee the question of whether a nurse practitioner or physician assistant who owns his or her own practice may employ a physician. Dr. Rhyne made a motion that Mr.

Jimison work with the Investigative Department to modify the physician extender checklist currently used by the Investigative Department to make inquiries as to the structure of such organizations. Dr. McCulloch seconded the motion and the motion was approved unanimously. The committee also approved referring to the Policy Committee the issue of whether there should be a limit on the number of sites or physician extenders a physician can supervise.

New Business

Building Improvements: Mr. Henderson gave the Committee an update on various building improvements. The first two items, renovating the vault area and cleaning and painting of the building, have already taken place at this time. The third item is to modernize the elevator. A proposal has been received which estimates a cost of about \$40,000 to upgrade the elevator. Dr. McCulloch made a motion to accept the proposal. Dr. Rhyne seconded the motion and the motion was approved unanimously.

Representation of Expert Witnesses: Mr. Henderson explained to the Committee that the Board at times asks physicians to review quality of care cases for us and, if necessary, testify at a hearing. Some physicians have asked who will represent them if the respondent physician sues them. Mr. Mansfield stated that the Board's legal staff can and should represent an expert sued for stating his good faith opinion in an effort to help us and serve the profession. Mr. Henderson stated further it would help in our efforts to recruit experts if the Board would formally approve this proposal. Dr. Rhyne made a motion to accept the proposal as presented. Mr. Walsh seconded the motion and the motion was approved unanimously.

Legislative Update: Mr. Mansfield reviewed with the Committee several possible changes to the Medical Practice Act. Many of the changes were approved by the Board in 2005 as part of the bill introduced by Senator Purcell. The changes include additional disciplinary options, re-entry provisions, ordering evaluations for competency, making disciplinary provisions clearly apply to mid-level providers, hearings by panels of board in NCGS 90-14.5, penalties for failure to report under NCGS 90-14.13, and clarifying obligation to report malpractice payments. Dr. McCulloch made a motion for the Executive Committee to recommend these changes to the full Board. Dr. Rhyne seconded the motion provided the full Board extract and consider the imposing of fines as an additional disciplinary option. The motion was seconded and approved unanimously.

The meeting was adjourned at 1:00pm.

Motion: A motion passed to approve the Executive Committee Report.

POLICY COMMITTEE REPORT

Arthur McCulloch, MD, Chair; Aloysius Walsh; George Saunders, MD; Janelle Rhyne; MD

The Policy Committee of the North Carolina Medical Board was called to order at 3:00 p.m., Wednesday, March 15, 2006, at the office of the Board. Present were: Arthur McCulloch, MD, Chair; Aloysius P. Walsh; George L. Saunders, MD; and Janelle A. Rhyne, MD. Also attending were: Thomas Mansfield, JD, Director, Legal Department, NCMB (PC Staff); Todd Brosius, JD, Board Attorney, NCMB; Melanie Phelps, JD, North Carolina Medical Society; Steven Keene, JD, North Carolina Medical Society; Mr. Alan Skipper, North Carolina Medical Society; Jeffrey Katz, PA-C (NCAPA); and Mr. Jeffery T. Denton, Board Recorder (PC Staff).

January 2006 Policy Committee Meeting Minutes

The minutes from the January 18, 2006 Policy Committee Meeting were reviewed and accepted.

Care of Surgical Patients – Review of Position Statement (*Rhyne, Saunders*)

After much discussion it was decided that this position statement may be better served with a complete rebuild to address possible outpatient invasive procedures.

Action: This position statement will be reworked and brought back to the May 2006 committee meeting.

Sexual Exploitation of Patients – Review of Position Statement (*Rhyne, Saunders*)

Dr. Rhyne stated that she is part of the Federation of State Medical Boards (the Federation) group who recently revised the “model” boundary violation policy. This revision is available on the Federation’s website, www.fsmb.org for review and will be voted on at the Federation’s Annual Meeting in April. She suggested we defer review of the Board’s position statement until after the adoption in April.

Action: Review of this position statement is deferred until after adoption of the Federation’s revised model boundary violation policy guidelines.

The Physician-Patient Relationship – Review of Position Statement (*McCulloch, Walsh*)

An amended position statement was reviewed and discussed in detail.

Motion: A motion passed for this position statement to be considered and voted on by the Full Board at the May 2006 Board Meeting

North Carolina Medical Board Position Statement

THE PHYSICIAN-PATIENT RELATIONSHIP

The duty of the physician is to provide competent, compassionate, and economically prudent care to all his or her patients. Having assumed care of a patient, the physician may not neglect that patient nor fail for any reason to prescribe the full care that patient requires in accord with the standards of acceptable medical practice. Further, it is the Board's position that it is unethical for a physician to allow financial incentives or contractual ties of any kind to adversely affect his or her medical judgment or patient care.

Therefore, it is the position of the North Carolina Medical Board that any act by a physician that violates or may violate the trust a patient places in the physician places the relationship between physician and patient at risk. This is true whether such an act is entirely self-determined or the result of the physician's contractual relationship with a health care entity. The Board believes the interests and health of the people of North Carolina are best served when the physician-patient relationship remains inviolate. The physician who puts the physician-patient relationship at risk also puts his or her relationship with the Board in jeopardy.

Elements of the Physician-Patient Relationship

The North Carolina Medical Board licenses physicians as a part of regulating the practice of medicine in this state. Receiving a license to practice medicine grants the physician privileges and imposes great responsibilities. The people of North Carolina expect a licensed physician to be competent and worthy of their trust. As patients, they come to the physician in a vulnerable condition, believing the physician has knowledge and skill that will be used for their benefit.

Patient trust is fundamental to the relationship thus established. It requires that:

- there be adequate communication between the physician and the patient;
- the physician report all significant findings to the patient or the patient's legally designated surrogate/guardian/personal representative;
- there be no conflict of interest between the patient and the physician or third parties;
- personal details of the patient's life shared with the physician be held in confidence;
- the physician maintain professional knowledge and skills;
- there be respect for the patient's autonomy;
- the physician be compassionate;
- the physician respect the patient's right to request further restrictions on medical information disclosure and to request alternative communications;
- the physician be an advocate for needed medical care, even at the expense of the physician's personal interests; and
- the physician provide neither more nor less than the medical problem requires.

The Board believes the interests and health of the people of North Carolina are best served when the physician-patient relationship, founded on patient trust, is considered sacred, and when the elements crucial to that relationship and to that trust—communication, patient primacy, confidentiality, competence, patient autonomy, compassion, selflessness, appropriate care—are foremost in the hearts, minds, and actions of the physicians licensed by the Board.

This same fundamental physician-patient relationship also applies to mid-level health care providers such as physician assistants and nurse practitioners in all practice settings.

Termination of the Physician-Patient Relationship

The Board recognizes the physician's right to choose patients and to terminate the professional relationship with them when he or she believes it is best to do so. That being understood, the Board maintains that termination of the physician-patient relationship must be done in compliance with the physician's obligation to support continuity of care for the patient.

The decision to terminate the relationship must be made by the physician personally. Further, termination must be accompanied by appropriate written notice given by the physician to the patient or the patient's representative sufficiently far in advance (at least 30 days) to allow other medical care to be secured. A copy of such notification is to be

included in the medical record. Should the physician be a member of a group, the notice of termination must state clearly whether the termination involves only the individual physician or includes other members of the group. In the latter case, those members of the group joining in the termination must be designated. It is advisable that the notice of termination also include instructions for transfer of or access to the patient's medical records.

(Adopted July 1995)

(Amended July 1998, January 2000; March 2002, August 2003, March 2006)

Billing of Anatomic Pathology Services (NCGS § 90-681)

The legal department has been in discussion with other governmental agencies and private entities regarding the Board's potential interpretation of the recently enacted N.C.G.S. § 90-681, which governs the billing of pathology services. It appears that at least some of these entities are looking for direction from the Medical Board in how they can safely comply with the law's requirements. For example, licensees are interested in whether notifying the patient alone of the identity and billing information related to work by an outside pathologist is sufficient (versus notifying any third-party payer as well). The legal department would like to discuss this issue with the Policy Committee to provide some suggested interpretations and receive some guidance from the Committee.

Mr. Brosius is of the opinion that whoever receives the bill for services should know there was a markup. He is not sure the statute requires that the patient receive the disclosure if they are not receiving the bill. Blue Cross/Blue Shield has indicated they do not care if they receive this information. If they do, they have no plans to do anything with it.

Mr. Keene stated that the Medical Society's goal is for this disclosure law to be effective. They don't want anyone to circumvent the underlying policy behind it. The Medical Society's view is that for the law to work the patient is the one that must always receive the disclosure. Even though the law is ambiguous about this, "there will always be a patient but there is not always an insurance company" involved. We need a reasonable, sensible and workable situation. It is more effective to notify the patient who can communicate with the payer.

A very lengthy discussion ensued.

Motion: The Board adopted the opinion that the statute should be interpreted to focus on the interests of the patient first and foremost. The patient should receive disclosure. There will be a follow-up article in the *Forum*.

Position Statement Review Schedule

The following position statements will be reviewed at the May 17, 2006 Committee Meeting:

Care of Surgical patients (Rhyne, Saunders)
Sexual Exploitation of Patients (Rhyne, Saunders)
The Retired Physician (McCulloch, Walsh)

Enhanced Practice Nurse

Dr. Rhyne stated that she had been recently asked to supervise an "enhanced role nurse" but declined. She said that apparently these "extended nurses" train in Chapel Hill and then work alongside of PA's and NP's. They are doing PA and NP work with minimal training and a

short preceptorship. They are licensed by the Nursing Board but require a physician to sign off on them. She understands this was set up by the State Director of Women's Health.

Action: This item is referred to the Executive Director and Board Attorney Jimison for analysis and discussion with the Board of Nursing, to be reported to the committee.

Nursing Advisory Statements

Dr. Rhyne presented the committee with copies of the North Carolina Board of Nursing Advisory Statements. She is concerned that nurses are practicing beyond their scope of practice. This continues to be a sensitive issue with the Medical Board.

Action: This item is referred to the Executive Director and Board Attorney Jimison for analysis and discussion with the Board of Nursing, to be reported to the committee.

Supervision of Physician Assistants and Nurse Practitioners

This item was referred from the Executive Committee. (1) Is it legal for NP's and/or PA's to employ their supervising physician? (2) What is the optimal number of PA's and NP's that a physician can supervise?

The underlying tone of these questions was what the role of the supervising physician is, what does supervision mean and how one can define it. Dr. Saunders stated "the key is the quality of the relationship between the extender and the physician."

Dr. Norins, as a guest of the committee, stated that in the absence of the Board taking a position it will continually be addressing supervision issues, and will only be able to do something when something egregious happens. He does not think the Board can dodge this forever.

Action: Dr. McCulloch will work with the legal department to further analyze this issue.

Adoption of Position Statements

Motion: A motion passed that the following two position statements be adopted in their final forms which were displayed in the *Forum* for comment. It is noted that no comment was received.

Prescribing Legend or Controlled Substances for Other Than Valid Medical or Therapeutic Purposes, with Particular Reference to substances or Preparations with Anabolic Properties

Sale of Goods From Physician Offices

There being no further business, the meeting adjourned at 4:45 p.m. The next meeting of the Policy Committee is tentatively set for 3:00 p.m. Wednesday, May 17, 2006.

ALLIED HEALTH COMMITTEE REPORT

Savesh Sathiraju, MD; Robin Hunter Buskey, PA-C; Don Jablonski, DO

The Allied Health Committee of the North Carolina Medical Board met on Wednesday, March 15, 2006 and Thursday, March 16, 2006 at the office of the Board. Present: Dr. Sathiraju, Chairperson, Robin Hunter-Buskey, Dr. Jablonski, Marcus Jimison, Legal, Lori King, CPCS, Licensing, Quanta Williams, Dr. Greg Mears, J. Katz, S. Gardner, J. Carter, Dale Hill and James Johnson.

NP Initial Applications - NP initial application process.

Board Action: Accept signed/dated list from NCBON for all new applicants with no issues/affirmative answers on application attesting that the NP applicants on the list have no affirmative answers/issues on application.

For all NP applications with affirmative answers, changed answers, questions answered falsely or other issues, NCBON will provide NCMB the NP's complete application and supporting documentation.

For all NP applications with affirmative answers, files to be presented at Joint Sub. Committee to be discussed, reviewed by respective Boards (NCBON & NCMB) and no interim status issued until determination made by both Boards.

CPP Protocol Template. NCMB developed CPP template draft.

Board Action: Approve CPP Template. Staff to draft new CPP application. Primary supervising physician to be contacted regarding CPP protocols if issues or too broad a scope.

EMS

EMS Minutes.

NC EMS Medical Services Advisory Council Minutes – 11/09/05

NC EMS Medical Services Advisory Council Compliance Committee Minutes– 11/09/05

EMS Disciplinary Committee Meeting - 12/14/05 Minutes.

EMS Disciplinary Committee Meeting – 01/11/06.

EMS Disciplinary Committee Meeting – 01/11/06

Nasal Naloxone for Opiate Overdose

Original Contributions – Efficacy of Intranasal Naloxone as a Needless Alternative for Treatment of Opioid Overdoses in the Pre-Hospital Setting

Dermabond

FDA Approves Use of Dermabond Adhesive to Seal Out Infection Causing Bacteria

EMS Disciplinary Committee Meeting – 02/08/06.

Board Action: Accept as information only.

EMS Compliance Committee and Advisory Council Meetings – 02/08/06

Dr. Greg Mears gave presentation.

EMS Advisory Council recommends that the medications:

1. Natreacor (nesiritid)
2. Octreotide be added to the EMS Medication Formulary for administration by EMT-Paramedics.
3. Narcan (naloxone) be added to the EMS Medication Formulary for administration by EMT – Basics. Administration of naloxone will be limited to the intra-nasal route.
4. EMS Advisory Council recommends that EMT – Basics and EMT-Intermediates be allowed to acquire and transmit 12-lead ECGs. Interpretation of the 12-lead ECG would remain as an EMT-Paramedic skill.
5. The Committee discussed the potential for EMT-Paramedics to evaluate and close wounds with Dermabond adhesive.

Board Action:

1. Approve - Natrecor
2. No – Octreotide
3. Approve Narcan (naloxone) via intra-nasal route administration.
4. Approve EMT-Basics and EMT-Intermediates be allowed to acquire and transmit 12-lead ECGs. Interpretation of the 12-lead ECG to remain as an EMT-Paramedic skill.
5. No – Dermabond.

Side effects to always be checked on all drugs. EMT Scope of Practice/Protocols to be checked/reviewed.

A motion passed to close the session to investigate, examine, or determine the character and other qualifications of applicants for professional licenses or certificates while meeting with respect to individual applicants for such licenses or certificates.

The Board reviewed six license applications. 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 Joint Sub Committee met on 03/15/06. The Board of Nursing will provide Minutes.

ALLIED HEALTH VOTE LIST

Initial Applicants – Approved.

NP

Name	Primary Supervisor	Practice City
Byrd, Temple	Rizvi, Syed	Fayetteville
Corcoran, Margaret	Simon, Robert	Greensboro
Davis, Melissa	Andrawes, Souad	Cary
Ford, Marquita	Brenneman, Terry	Raleigh
Gibbs, Jamie	Plyler, William	Hendersonville
Griggs, Dolly	Maxwell, James	Wade
Haney, Mary	Myers, Brian	Charlotte
Harrell, Sallie	Ransom, James	Greensboro
Harrington, Candace	Inglefield III, Joseph	Hickory
Hebert, Gary	Dillard, Robert	Winston-Salem
Johnson, Sarah	Brown, Ronald	Charlotte
Kaiser-Richardson, April	Tokunboh, Julius	Charlotte
Lewis, Kristie	Block, Steven	Winston-Salem
Long, Melissa	Tanaka, David	Durham
Madden, Reginald	Hranitzky, Patrick	Durham
Mitchell, Cameron	Melin, Thomas	Wilmington
Murray, Wendy	Patterson, Christopher	Spartanburg
Perkins, Barbara	Brooks, Clyde	Greenville
Powell, Leslie	Gipson, Debbie	Chapel Hill
Rowe, Jeffrey	Webb, Leslie	Gastonia

Smith, David
Starr, Robin
Weisner, Jennifer
Wilkinson, Joseph
Woods, Amanda
Zegil, Matthew
Zeigler, Kelly

Strand, Terry
Simon, Robert
Mogul, Mark
Gerlach, Stephan
Ransom, James
Le, Cuong
Berkowitz, Gerald

Greensboro
Greensboro
Charlotte
Roanoke Rapids
Greensboro
Charlotte
Charlotte

PA

Bannon, Michelle
Dlugos, Brian
Dodson, Jesse
Greene, Kevin
Hart, Kristen
Kapa, Stephen
Loeffler, Jennifer
McCann, Sarah
Prouty, Mary
Ren, Li
Runyan, Tami
Sanderson, Alex
Savard, Paul
Schreck, Veronika
Wilson, Janet
Wright, Kimberly

PA REACTIVATIONS – Approved.

HICKEY, Michael Gene, PA
WARREN, Edward Britt, PA

Additional Supervisor List – Approved.

NP

Alkire, Kimberly
Allison, Jan
Alsgaard, Patricia
Arrowsmith, Dianne
Autry, Jeffrey
Avila, Aundrea
Bach, Laura
Baugham, Elizabeth
Baxley, Sharon
Belanger, Marie
Berge, Christopher
Booth, Brenda
Bost, Mandy

Girouard, Michael
Wells, Robert
Coppage, Kevin
Bergman, James
Prasad, Venkat
Grimm, Paul
Jarrett, David
Rawls, William
Buss, Russell
Colligan, Joseph
Downey, William
Tobin, H.
Larrabee, Laura

Huntersville
Asheville
Gastonia
Fort Mill
Willard
Fairmont
Largo
Morehead City
Elizabethtown
Jacksonville
Greensboro
Largo
Concord

Boyette, Sherri	Keever, Janine	Sylva
Brooks, Jana	Luoma, David	Huntersville
Burns, Deanna	Alexander, James	Charlotte
Burt, Dawn	Norton, Deborah	Raleigh
Canfield, Michelle	Huang, Xuemei	Chapel Hill
Carpenter, Dixie	Soliman, Safi	Fayetteville
Carr, Carlye	Krivitsky, Boris	Durham
Cherry, Mary	Kindschuh, Peter	Whiteville
Coes, Toni	Bernstein, Daniel	Concord
Coes, Toni	Prakash, Ramanathan	Concord
Cole, Kristen	Gush, Kimberly	Chapel Hill
Corn, Lisa	Diemont, Stephen	Charlotte
Cox, Pamela	Henderson, David	Charlotte
Cox, Ruth	Lee, Sue	Alliance
Cronin, Lucianne	Maloney, Eugene	Lincolnton
Daniel, Leni	Simon, Robert	Greensboro
DaSilva, Susan	Henderson, David	Charlotte
DaSilva, Susan	Landis, Darryl	Winston-Salem
Deitz, Sheila	Moya, Fernando	Wilmington
DeLigio, Leslie	Sanchez, John	Nags Head
Eaton, Cynthia	Chan, Ruben	Huntersville
Fedziuk, Bernadette	Jarrett, David	Largo
Frye, Nancy	Hilton, Suzanne	Winston-Salem
Gee, Christy	Kilpatrick, Gerald	Brevard
Gee, Christy	Manley, John	Asheville
Hayes, Helen	Johnson, Walter	Charlotte
Hiatt, Linda	Gulley, Paul	Elkin
Huey, Barbara	Garman, Steve	Elizabeth City
Hunsucker, Penelope	Price, Billy	Hickory
Jacobs, Janet	Weaver, Susan	Raleigh
Jandebour, Ronald	Shepherd, Jack	Charlotte
Kennedy, Tina	Quinn, Marshall	Trenton
Kimball, Janice	Forbes, Mary	Raleigh
Knotts, Sharon	Luoma, David	Waxhaw
Lewis, Karen	Luvis, L.	Gastonia
Lineberry, Susan	Grandis, Arnold	Greensboro
Link, Maureen	Minore, Joseph	Charlotte
Lowery, Bobby	Dambeck, Allyn	Goldsboro
Major, Catherine	Penders, Thomas	Washington
Masters, Tassie	Berg, Mary	Largo
McNamara, Janet	Bull, Janet	Flat Rock
McNeal, Crystal	Hartye, James	Raleigh
Meng, Susan	Cummings, DeLora	Raleigh
Merrill, Diane	Rich, Charles	Charlotte
Morgan, John	Turpin, Payton	Marion
Myers, Sharon	Baugham, Leonard	Wilkesboro
Nilson-Taylor, Diana	Irvin, John	Wilmington
Nooe, Mary	Beittel, Timothy	Wilmington
O'Brien, Patricia	Bernat, Mark	Roanoke Rapids
Ojeda, Aislinn	Bright, Robert	Charlotte

Phelps, Shannon	Georgiev, Boyan	Wilmington
Radcliff, Wendy	Williams, John	Greenville
Richardson, LuAnn	Burke-Haynes, Karen	Raleigh
Robinson, Carol	Moore, Donald	Madison
Rose, Jeanne	Persaud, Kavita	Wilmington
Schroeder, Carol	Wells, Robert	Greensboro
Shenkman, Laura	Ito, Kristin	Raleigh
Silvers-Mangum, Kathy	Villaveces, Carmen	Charlotte
Simonson, Cynthia	Gockerman, Jon	Durham
Stein, Judy	Shanahan, Joseph	Durham
Strickland, Patti	Kindschuh, Peter	Whiteville
Sylvain, Hope	Loesch, Heather	Wilmington
Tharpe, Teresa	Venus, John	Elkin
Thomas, Rafaela	Barnes, Victor	Jacksonville
Tolbert, April	Buss, Russell	Wilson
Traywick, Anne	Bull, Janet	Flat Rock
Traywick, Marleen	Myers, Brian	Charlotte
Walker, Lucy	Fisher, Michael	Conover
Walker, Lucy	Moore, Reginald	Granite Falls
Ward, James	Morris, Kenneth	Durham
Wayand, Cathy	Walters, Henry	Statesville
Yurecka, Janet	Kabasan, Dennis	Asheville
Ziegler, Karen	Sha, Ronald	Durham

Additional Supervisor List – Approved.

PA

Achard, Malinda	Jones, Tony	Canton
Arrowood, Larry	Potts, Kevin	Wilmington
Barry, Christopher	Frerichs, R	Raleigh
Bell, Robert	Buss, Russell	Wilson
Bernart, D.	Patterson, Kristine	Raleigh
Brennand, Michael	Winter, De	Smithfield
Brooks, Laura	Stitt, Van	Bessemer City
Buchanan, Misty	Morgan, Gary	Winston-Salem
Carter, Laura	Dawes, Michael	Winston-Salem
Caruso, Frank	Mendoza, Dominador	Danbury
Clarke, Theresa	Brown, Josephine	Raleigh
Collins, Billy	White, Michael	Rocky Mount
DePold, Carry	Del Do, Shari	Dunn
Drew, Justin	Butler, Richard	Raleigh
Earnhardt, Tommy	Rhodes, Charles	Mt. Pleasant
Elliott, John	Dockery, Martina	Raeford
Evans, Molly	Meijer, Mark	Roxboro
Garbia, Waseem	Godfrey, Wanda	Garner
Gatlin, Stephen	Wrinkle, Geoffrey	Charlotte
Giordano, Michelle	Reames, Mark	Charlotte
Groomes, Debra	Gerger, Zachariah	Charlotte
Gunn, Matthew	Jacobs, Danny	Durham

Harris, Janice	Box, Emily	Monroe
Hauser, Debbie	Yuengel-Bienenfeld, Christine	Winston-Salem
Healy, Edward	Sanchez, John	Kitty Hawk
Henderson, Sharon	Damsker, David	Raleigh
Hensler, Rachel	Goudarzi, Kamran	Wilmington
Hensler, Robert	Melin, Thomas	Wilmington
Hunter, Paula	Keppler, Eileen	Hendersonville
Hutton, Carl	Gardner, Donald	Mt. Airy
Jansen, Ingram	Buss, Russell	Elizabethtown
Jaynes, Elizabeth	Lestini, William	Raleigh
Johnson, Curtis	Smith, Timothy	Clinton
Jonas, Deborah	Conner, William	Matthews
Jordan, Aimee	Kraus, William	Durham
Keeler, Nancy	Baloch, Mohammad	Raleigh
King, Harold	Winter, De	Smithfield
Lawyer, Christopher	Davis, Jerome	Greensboro
Lewis, Kristine	Washington, Marcus	Rose Hill
Maldonado, Manuel	Baum, Shari	Charlotte
Mann, Karen	Oeters, Rhonda	Washington
Mann, Karen	Teixeira, Fredrick	Washington
Matlock, Jody	McClelland, William	Monroe
McCracken-Brown, Michelle	Baugham, Leonard	Mooresville
McDermott, Nicole	Buse, John	Durham
McKeel, Cameron	Kelly, John	Swannanoa
McLaughlin, Gene	Bethel, Bradley	Laurinburg
Metzger, Donald	Bekic, George	Lumberton
Metzger, Donald	Buss, Russell	Elizabethtown
Metzger, Donald	Royal, Stephen	Lumberton
Migdon, Steven	Crocker, Daniel	Rocky Mount
Mooring, Robert	Hasty, Christopher	Greenville
Murray, Susan	Rooker, Sara	Raleigh
Natale, Donald	Buss, Russell	Elizabethtown
O'Connor, Brian	Stiegel, Robert	Charlotte
Pitre, Christopher	Griffith, Barbara	Durham
Pixton, Jan	Brown, George	Waynesville
Poplin, Melodie	Prakash, Ramanathan	Concord
Reagan, Kathleen	Mendes, Celia	Fayetteville
Richards, Dick	Pannell, Christa	Winston-Salem
Rosenthal, Murray	Buss, Russell	Wilson
Shea, Dawn	Kelling, Douglas	Concord
Sheaffer, Luanne	Fajardo, Agapito	Garland
Smith, David	Smith, James	Durham
Sours, Allen	Kim, Ian	Kinston
Spicer, Blai	Griggs, James	Charlotte
Spiegel, Barry	Singh, Vinod	Benson
Sterling, Anthony	Del Do, Shari	Dunn
Sterling, Anthony	Penrose, John	Clinton
Sterling, Anthony	Smith, Timothy	Clinton
Sterling, David	Venable, Robert	Plymouth

Thomas, Robert	Hawkins, Mark	Claremont
Valente, Sean	Winter, De	Smithfield
Van Meter, Patrick	Merrill, Steven	Taylorsville
Van Vooren, Amy	Buss, Russell	Wilson
Wallace, Connie	Umeh, Fred	Monroe
Welliver, Ian	DePaolo, Charles	Asheville
Wiggins, Jeffrey	Guerrero, Pio	Charlotte
Young, Anthony	Vu, Khanh	Henderson

Motion: A motion passed to approve the Committee report and the vote list as modified.

LICENSING COMMITTEE REPORT

Michael Norins, MD, Chair; Robin Hunter-Buskey, PAC; Dicky Walia; Ralph Loomis, MD

PROTOCOL REQUEST

Catchline: In the case of licensees (whether active or inactive in North Carolina) have action taken against their out-of-state license, our Board charges under 90-14(a)(13). It would be helpful to have a similar policy for new applicants. Therefore, the agenda item is whether there should be a presumption that applicants who have had action against a license in another state or by another Board (nursing board, for example) be issued their license via a consent order which cites the action taken by the other Board. Such a policy, at a minimum, would ensure that North Carolina citizens/residents would be on notice of the public action in the other state.

BOARD ACTION: Adopt as protocol that applicants who have had action against a license in another state or by another Board, i.e. nursing, be issued their license via a consent order which cites the action taken by the other Board.

APPLICATION PROCESS-RETIRED VOLUNTEER LICENSE

Catchline: David Henderson, Hari Gupta and Joy Cooke recently met with representatives of the NC Association of Free Clinics to discuss developing a procedure for notifying licensees about the Retired Volunteer License. When the Board receives a request to make a license inactive and if the licensee is 55 or older and has a NC address the licensee will be sent a letter (See attachment A) encouraging them to convert their license to a Retired Volunteer license instead of inactive status.

BOARD ACTION: Adopt proposed procedure and edit cover letter to include insurance information and good samaritan regulations. (See Attachment A)

INTERVIEW CRITERIA

Catchline: It has been requested that the License Committee discuss the following topic: Is an interview really needed because an applicant stopped residency to change to a different specialty then started residency in that new specialty? If evaluations are okay, why is an interview needed. Do we always ask for evaluations in that case, if so, is that necessary?

BOARD ACTION: No need to develop explicit interview criteria – Board members need to state the reason they feel an interview is necessary for the benefit of the interviewing Board Member.

GUIDANCE REQUEST

Catchline: Staff requests guidance on how to handle future cases when an applicant clearly does not meet the Board's statutory or regulatory requirements – should the case come before the License Committee for a decision to allow withdrawal or deny or should staff notify the applicant of deficiencies offering the opportunity to withdraw the application. Guidance is also requested for applicants who may meet the requirements but have a disciplinary history with this Board or another Board.

BOARD ACTION: Staff to notify applicants who do not meet regulatory or statutory requirements giving the opportunity to withdraw to avoid denial.

Applicants with issues that indicate a possible denial should be put on the License Committee agenda for discussion.

Staff will report back to the committee the number of cases and type of cases that are handled in this manner.

A motion passed to close the session to investigate, examine, or determine the character and other qualifications of applicants for professional licenses or certificates while meeting with respect to individual applicants for such licenses or certificates.

The Board reviewed five license applications. 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.

SPLIT BOARD LICENSURE INTERVIEWS

A motion passed to close the session to investigate, examine, or determine the character and other qualifications of applicants for professional licenses or certificates while meeting with respect to individual applicants for such licenses or certificates.

Seventeen 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.

APPLICANTS PRESENTED TO THE BOARD

Manal F. Abdelmalek
Martin Kwaku Agbemabiese
Chandra Roy Altmare

Crystal Dawn Baker
Catherine McDermott Barteau
John Dale Bartone

Daniel Roy Bauer
Judy Rebecca Baumgart
Leland Berkwits
Gregory David Bianchi
Stephen Brock Blankenship
Andrew Deaton Blodgett
Robert James Blok
Lynn Anne Bowlby
Thomas Lane Bradbury Jr.
James David Breshnahan
Justin Chamberlin Brown
Marianthe Manak Burns
Ronald David Caldwell Jr
Lauren Keely Carlisle
John Ralph Carson II
Michael Stephen Cartwright
Albert Young Chen
Steven Ciabattoni
Stephen Arthur Contag
Christine Amelia Courtney
Joan Marie Crennan
Sean Matthew Daley
Mark Bruce Deem
Amy Elizabeth DeVore
Allison Gail Dupont
Dale Ellis
Colleen Sheridan Embi
Grant Evan Eudy
John Clinton Eudy
Adele Karen Evans
John Alfred Evans
Quinne Raielle Farrington
Tajudeen Oladapo Fawole
John Randall Finch
Andrew John Forgash III
Paul Jacob Fronapfel
Edwin Laverne Gandy
Casey Mathew Glass
Michael Roy Goins
Claudia Ann Goodwin
Kevin Gary Greene
Charles Edward Griffith III
Steven McDonnell Halus
Scott Lewis Hambleton
Ann Margo Hanlon
Stuart McDowell Hardy
Allison Herbert
Peter David Holt
George A Housley Jr.
Travis Worth Howell
Jon Ryan Hutchinson

William Johnson Irvin Jr
Samuel Wayne Jones
Andrew B.G. Kairalla
Tom Chris Kaiser
Kenneth David Kessler
James Arnold Ketoff
William Youngkwan Kim
Deborah Ann Kretzschmar
Amit Kumar
David Ethan Lee
Stephen Todd Lingo
Jimmy Chamtsun Lu
William Scott Lynn
Guy Ruedas Maclang
Douglas Pierce MacMillan Jr.
Luke Madigan
Eric Alan Marsh
James David Matthews
Gayle Lynn May
Christina Taylor McShea
Joseph Bernard McShea
Jennifer Bupp Meko
Takako Mitsuhashi
Cynthia Ann Moffet
Kathleen Marie Monderewicz
Hillary Stewart Morgan
Stephen Duane Morgan
Jennifer Maag Naber
Aravinda Nanjundappa
Reza Nazemzadeh
Gayle Marie Norman
James Hugh North Jr.
Gregory Raymond Novotny
Arthur Amin Olyai
Justin Onesse
Jeevan Jagdish Pai
Falguni Dinesh Patel
Marc Howard Paul
Ashley Gable Perna
Ruth Petersen
Michael John Piazza
Douglas Scott Prechtel
Jawad Ahmad Qureshi
Shivanjali Rani
Neal Edward Ready
Robert Nathaniel Reddix Jr.
Christopher Robert Reynolds
Kanoi Roberson
Joshua Ernest Roller
Theresa Hitselberger Rosati
Vivian Eliza Buenavides Salvador

William Michael Scelza
Eric Scott Schaefer
Kara Michelle Schwartz
Jonathan Shapir
Ann Bellin Shelton
Glenn Austin Sikes
Robert Arnold Silverman
Gregory Wayne Smith
Jacqueline Smith
Leah Lane Shutt Smith
Kristi Dee Sobota
Dimitrios Stefanidis
John Emory Streitman
Mark Joseph Sutherland
Harry Evan Taub

Quoc-Anh Thai
Ronald Wayne Thomason
Robert Kazuo Ueda
Jane Vy Trinh
Ricardo Luis Valdivia
Demetrice Louise Ward
Lisa Jacob Weinstein
Wlodzimierz Michal Wisniewski
Eric Huayen Yang
Tammy Lyn Yanovitch
ChangJun Yue
John Yulo
Kamran Zaheri
Pei-Shan Zhao

LICENSES APPROVED BY ENDORSEMENT AND EXAM

Manal F. Abdelmalek
Martin Kwaku Agbemabiese
Chandra Roy Altemare
Crystal Dawn Baker
Catherine McDermott Barteau
Daniel Roy Bauer
Judy Rebecca Baumgart
Leland Berkwits
Gregory David Bianchi
Stephen Brock Blankenship
Andrew Deaton Blodgett
Robert James Blok
Lynn Anne Bowlby
Thomas Lane Bradbury Jr.
Justin Chamberlin Brown
Marianthe Manak Burns
Ronald David Caldwell Jr
Lauren Keely Carlisle
John Ralph Carson II
Michael Stephen Cartwright
Albert Young Chen
Steven Ciabattoni
Stephen Arthur Contag
Christine Amelia Courtney
Joan Marie Crennan
Sean Matthew Daley
Mark Bruce Deem
Amy Elizabeth DeVore
Allison Gail Dupont
Colleen Sheridan Embi

Grant Evan Eudy
Adele Karen Evans
John Alfred Evans
Quinne Raielle Farrington
Tajudeen Oladapo Fawole
Andrew John Forgash III
Paul Jacob Fronapfel
Edwin Laverne Gandy
Casey Mathew Glass
Michael Roy Goins
Claudia Ann Goodwin
Kevin Gary Greene
Charles Edward Griffith III
Steven McDonnell Halus
Ann Margo Hanlon
Stuart McDowell Hardy
Allison Herbert
George A Housley Jr.
Travis Worth Howell
William Johnson Irvin Jr
Samuel Wayne Jones
Andrew B.G. Kairalla
Kenneth David Kessler
James Arnold Ketoff
William Youngkwan Kim
Deborah Ann Kretzschmar
Amit Kumar
David Ethan Lee
Jimmy Chamtsun Lu
William Scott Lynn

Guy Ruedas Maclang
Douglas Pierce MacMillan Jr.
Luke Madigan
Eric Alan Marsh
James David Matthews
Gayle Lynn May
Christina Taylor McShea
Joseph Bernard McShea
Jennifer Bupp Meko
Takako Mitsuhashi
Cynthia Ann Moffet
Hillary Stewart Morgan
Stephen Duane Morgan
Jennifer Maag Naber
Aravinda Nanjundappa
Reza Nazemzadeh
James Hugh North Jr.
Gregory Raymond Novotny
Arthur Amin Olyai
Jeevan Jagdish Pai
Falguni Dinesh Patel
Marc Howard Paul
Ashley Gable Perna
Michael John Piazza
Douglas Scott Prechtel
Jawad Ahmad Qureshi
Neal Edward Ready
Robert Nathaniel Reddix Jr.

Christopher Robert Reynolds
Joshua Ernest Roller
Theresa Hitselberger Rosati
Vivian Eliza Buenavides Salvador
Eric Scott Schaefer
Kara Michelle Schwartz
Robert Arnold Silverman
Gregory Wayne Smith
Jacqueline Smith
Leah Lane Shutt Smith
Kristi Dee Sobota
John Emory Streitman
Mark Joseph Sutherland
Quoc-Anh Thai
Ronald Wayne Thomason
Jane Vy Trinh
Ricardo Luis Valdivia
Wlodzimierz Michal Wisniewski
Eric Huayen Yang
Tammy Lyn Yanovitch
Kamran Zaheri
Pei-Shan Zhao

REINSTATEMENT

John Dale Bartone
Peter David Holt
Stephen Todd Lingo

RE-ENTRY SUBCOMMITTEE REPORT

EK Fretwell, PhD, Chair; Michael Norins, MD; Ralph Loomis, MD

The Re-entry SubCommittee of the North Carolina Medical Board was called to order at 10:30 p.m., Wednesday, March 15, 2006, at the office of the Board. Members present were: E. K. Fretwell, PhD, Chair; Michael Norins, MD; and Ralph Loomis, MD. Also attending were: Thomas Mansfield, JD, Director, Legal Department (Staff); Joy Cooke, Licensing Director (Staff); Jesse Roberts, MD, Medical Director (Staff); and Jeffery T. Denton, Board Recorder (Staff).

Minutes

The February 2006 committee minutes were reviewed and accepted.

Proposed North Carolina Reentry Summit Meeting *(Roberts)*

Dr. Roberts presented a progress report. The concept now is a "pre-summit planning meeting" instead of a full blown summit meeting.

Motion: Approve the proposed relatively small Pre-Summit Planning Meeting which will be largely a one-day meeting to be scheduled in October 2006.

Approval Authority for ReEntry Plans

Dr. Norins emphasized that reentry plans are still new ground and there is not a boilerplate, and that final approval of reentry plans rest with either the Licensing Committee or one of its delegates (e.g. Licensing Interview Subcommittees).

There is a continued concern that compliance issues with reentry consent orders should not be reported as investigative or disciplinary, since these are not punitive consent orders.

Licensing staff will become more proactive and a list of "possible" options that may satisfy a reentry-type plan titled "current guidance for reentry applicants" will be developed and sent to applicants meeting the reentry criteria.

Motion: (1) Reentry plans may only be approved by the Licensing Committee or a delegate of the Licensing Committee, and (2) Dr. Norins and Ms. Cooke will jointly develop an options list titled "Current Guidance for Reentry Applicants."

Legislative Update (*Mansfield*)

Mr. Mansfield updated the subcommittee on the status of the Health Care Subcommittee on Safety, Quality & Accountability.

FSMB Licensure Maintenance Committee, Dallas, TX (March 28-29, 2006) (Norins/Roberts)

As discussed previously, Dr. Norins and Dr. Roberts will be attending the FSMB Special Committee on Maintenance of Licensure which has been charged with development of a policy position regarding state medical board's role in ensuring competence. This committee will also be considering a resolution submitted by the NCMB regarding Physician and Physician Assistant Reentry to Practice.

Today, preparation for this meeting was discussed.

The next regular meeting of the Re-Entry SubCommittee is tentatively set for Wednesday, May 17, 2006.

Motion: A motion passed to accept the Re-Entry SubCommittee Report.

COMPLAINT COMMITTEE REPORT

Aloysius Walsh; Michael Norins, MD, George Saunders, MD; Ralph Loomis, MD

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 Complaint Committee reported on 62 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.

MALPRACTICE COMMITTEE REPORT

Aloysius Walsh; Michael Norins, MD, George Saunders, MD; Ralph Loomis, MD

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 Malpractice Committee reported on 101 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.

MEDICAL EXAMINER COMMITTEE REPORT

Aloysius Walsh; Michael Norins, MD, George Saunders, MD; Ralph Loomis, MD

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 Medical Examiner Committee reported on one 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.

NORTH CAROLINA PHYSICIANS HEALTH PROGRAM (NCPHP) COMMITTEE REPORT

Dicky Walia; Sarvesh Sathiraju, MD; Don Jablonski, DO

A motion passed to close the session to prevent the disclosure of information that is confidential pursuant to section 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 Board reviewed 63 cases involving participants in the NC Physicians Health Program. The Board adopted the committee's recommendation to approve the written report. The specifics of this report are not included as these actions are not public information.

A motion passed to return to open session.

INVESTIGATIVE COMMITTEE REPORT

Janelle Rhyne, MD; Arthur McCulloch; E. K. Fretwell, PhD; Sarvesh Sathiraju, MD

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 Investigative Committee reported on 90 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.

INFORMAL INTERVIEW REPORT

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.

Twenty-four informal interviews were conducted. A written report was presented for the Board's review. The Board adopted the Split Boards' recommendations and approved the written report as modified. 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 March 17, 2006.

Janelle A. Rhyne, MD
Secretary