

# **BOARD MEETING MINUTES**

**North Carolina Medical Board**

**October 17, 2025**

**3127 Smoketree Court  
Raleigh, North Carolina**

The North Carolina Medical Board held its scheduled October 2025 meeting at its offices at 3127 Smoketree Court, Raleigh, NC 27604. Devdutta G. Sangvai, M.D., J.D., MBA, President and Presiding Officer, called the meeting to order on Friday, October 17, 2025, at 8:01 a.m. Board members participating were: Devdutta G. Sangvai, M.D., J.D., MBA, Board President and Presiding Officer; Earic R. Bonner, M.D., MBA; W. Howard Hall, M.D.; Sharona Y. Johnson, PhD, FNP-BC; Joshua D. Malcolm, J.D.; Mark A. Newell, M.D., MMM; Miguel A. Pineiro, PA-C, MHPE; Robert L. Rich, Jr., M.D.; and Anthony R. Plunkett, M.D. Also attending was Mr. Fred Morelock, Independent Counsel, who assisted the Board.

**Presidential Remarks:**

Dr. Sangvai 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**

**BENJAMIN ELLISON PUSSEY, D.O. – LEICESTER, NC**

The Board was represented by Mr. Adam Moyers. Dr. Pussey did not appear, and the matter was heard in absentia.

Dr. Pussey was charged with being unable to practice medicine with reasonable skill and safety to patients by reason of illness, drunkenness, excessive use of alcohol, drugs, chemical, or any other type of material or by reason of any physical or mental abnormality within the meaning of N.C. Gen. Stat. § 90-14(a)(5), unprofessional conduct within the meaning of N.C. Gen. Stat. § 90-14(a)(6), and failure to comply with a Board Order within the meaning of N.C. Gen. Stat. § 90-14(a)(14).

After considering the Notice of Charges and Allegations against Dr. Pussey, Request for Admissions, Motion for Summary Judgment and exhibits, the findings set forth in the Pre-Hearing Order, and arguments of counsel for the Board, the Board granted summary judgment against Dr. Pussey, finding that there were no genuine issues of material fact as to Dr. Pussey's commission of the acts set forth in the Notice of Charges and Allegations and that such acts constituted violations of N.C. Gen. Stat. § 90-14(a)(5), (a)(6), and (a)(14).

The Board then heard arguments of counsel for the Board and considered the final disposition of Dr. Pussey's case.

Following the hearing, the Board voted to indefinitely suspend Dr. Pussey's license to practice medicine in North Carolina.

**BRICE THOMAS SMITH, M.D. – DURHAM, NC**

The Board was represented by Ms. Bettina Roberts. Dr. Smith was represented by Nicholas Dowgul.

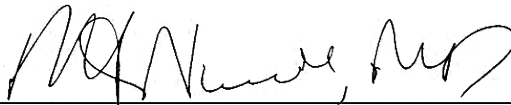
Dr. Smith was charged with unprofessional conduct, including, but not limited to, a departure from, or the failure to conform to the standards of acceptable and prevailing medical practice, within the meaning of N.C. Gen. Stat. § 90-14(a)(6).

Following the hearing, the Board found that Dr. Smith's conduct constituted unprofessional conduct, within the meaning of N.C. Gen. Stat. § 90-14(a)(6), including, but not limited to, a departure from, or the failure to conform to the standards of acceptable and prevailing medical practice.

Despite finding that Dr. Smith's conduct constituted unprofessional conduct, the hearing panel concluded that Dr. Smith's conduct was mitigated by his lack of professional complaints, lack of malpractice suits filed against him, and lack of patient harm. As such, the Board voted that disciplinary action was not warranted. However, Dr. Smith agreed to complete a general radiology remediation course accredited by the American College of Radiology to be approved by the Board's Office of Medical Director within six (6) months of the date of the execution of the Board's Final Order.

**Adjournment:**

This meeting was adjourned at 1:28 p.m., October 17, 2025.

A handwritten signature in black ink, appearing to read 'Mark A. Newell, M.D.', is written over a horizontal line.

Mark A. Newell, M.D, MMM  
Secretary/Treasurer