



# **BOARD MEETING MINUTES**

## **North Carolina Medical Board**

**October 21, 2022**

**3127 Smoketree Court  
Raleigh, North Carolina**

The North Carolina Medical Board held its scheduled April 2022 meeting at its offices at 3127 Smoketree Court, Raleigh, NC. John R. Rusher, M.D., J.D., President and Presiding Officer; called the meeting to order on Friday, October 21, 2022, at 8:03 a.m. Board members

participating were: John R. Rusher, M.D., J.D., President and Presiding Officer; Michaux R. Kilpatrick, M.D., Ph.D.; 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.; and Joshua Malcolm, J.D. Also attending was The Honorable Fred Morelock, Independent Counsel who assisted the Board.

**Presidential Remarks:**

Dr. Rusher 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.

**SETTLEMENT PROPOSALS**

**IBRAHIM NAIM OUDEH, MD – DUNN, NC**

The Board was represented by Mr. Patrick Balestrieri. Dr. Oudeh was represented by Mr. William Harkins, Jr.

The Board heard presentations by Mr. Balestrieri and Mr. Harkins 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 went back into open session.

The Board voted to accept the proposed Consent Order.

**WILLIAM DALE FRANKS, JR., MD – CHARLOTTE, NC**

The Board was represented by Mr. Brian Blankenship. Dr. Franks was represented by Mr. Alan Schneider.

The Board heard presentations by Mr. Blankenship and Mr. Schneider 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 went back into open session.

The Board voted to accept the proposed Consent Order.

### **CLOSED SESSION MATTER**

The Board was represented by Mr. Marcus Jimison. The consent order presentation was ex parte with the agreement of the parties.

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 heard a presentation by Mr. Jimison in closed session.

The Board voted to reject the proposed Consent Order.

The Board went back into open session.

### **MOTIONS HEARINGS**

#### **ASHUTOSH VIRMANI, MD – CHARLOTTE, NC**

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

The Board heard presentations from Mr. Erwin and Mr. Jimison 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 went back into open session.

The Board voted to deny Dr. Virmani's Motion.

**Adjournment:**

This meeting was adjourned at 2.24 p.m., Friday, October 21, 2022.

A handwritten signature in black ink, reading "Christine Khandelwal, D.O.", written over a horizontal line.

Christine M. Khandelwal, D.O.

Secretary/Treasurer