

Adverse Actions Report November 2022 – December 2022

The digital edition of the *Forum* presents a two-month report of recent adverse actions. This report does not include non-adverse action such as reentry agreements or relief of consent order obligations. To view all public actions, visit www.ncmedboard.org/BoardActions.

Name/license #/location	Date of action	Cause of action	Board action
ANNULMENTS			
NONE			
SUMMARY SUSPENSIONS			
NONE			
REVOCATIONS			
MORRIS , Adrian Anthony, MD (000031597) Troy, NY	12/20/2022	Automatic revocation of medical license due to felony conviction for unlawful distribution and dispensation of controlled substances	Revocation of NC medical license
SUSPENSIONS			
CORNELIO FLORES , Oscar Alberto, MD (200801156) Durham, NC	12/09/2022	MD practiced family medicine in Durham, NC. In 2020 and 2021 three female patients separately alleged that during their examinations MD touched them in a manner that was inappropriate and medically unnecessary. In October 2022, MD pled guilty to sexual battery and two counts of assault on a female. As a condition of his plea, MD may not be employed during his probation in any position in which he provides in-person medical care.	Indefinite Suspension
LAND , Phillip Barton, PA-C (000102750) Greensboro, NC	12/12/2022	PA practiced internal medicine at Restoration Internal Medicine (Restoration) in Lexington, NC. By PA's own estimate, about 40% of his practice involved treating patients with chronic pain. The Board found that PA provided substandard care in a similar	Suspension, immediately stayed with conditions

		<p>fashion to five patients who presented to PA at Restoration. He prescribed high dose opioid therapy without adequate justification. For all patients, he prescribed opioids in excess of 90 morphine milligram equivalents (MME) per day with some patients receiving much higher doses. Patients were maintained on opioids and had their medications increased without specific treatment goals. Although he ordered urine drug screens at practically every visit, PA continued to prescribe opioids despite aberrant results. PA failed to use a holistic approach to diagnosis and therapy.</p>	
<p>NEIL, Granada Stephens, MD (200501450) Winston Salem, NC</p>	<p>12/08/2022</p>	<p>MD practiced psychiatry in Winston Salem, NC. In January 2022, the Board received information from a federal bankruptcy trustee that Oaktree Medical Centre, LLC (Oaktree), the debtor involved in bankruptcy proceedings, was a North Carolina company responsible for operating Pain Management Associates of North Carolina, PC (PMA), a medical practice in Arden, NC. From the documents provided, PMA was opened and operated by Oaktree in 2014 using MD's medical license to form the professional corporation. Further information indicated that a South Carolina chiropractor was</p>	<p>Suspension; Stayed except for sixty-days active suspension from December 5, 2022 through February 2, 2023</p>

		<p>the de facto operator of PMA and that MD did not actively participate in any way in the daily operation of PMA. Oaktree’s owner and operator, the South Carolina chiropractor, was the subject of a criminal federal investigation into allegations of healthcare fraud. As a general rule, with few exceptions, a business entity that engages in the practice of medicine must be owned and materially operated by licensees of this Board. Unless an exception applies, lay persons who own or operate medical practices are engaged in the unlawful corporate practice of medicine. When licensed physicians play a role whereby non-licensed people or entities wholly operate a medical practice without appropriate supervision by a licensed physician, the physician is either actively or passively enabling this unlawful practice.</p>	
LIMITATIONS/CONDITIONS			
<p>AYERS, Robert Andrew, PA-C (001003032) Fayetteville, NC</p>	<p>12/12/2022</p>	<p>PA practiced as a physician assistant in Fayetteville, NC. In November 2019, the Board received a complaint from a person who questioned PA’s prescribing practices. The Board opened an investigation and obtained medical records for six of PA’s patients, which were sent for review to an independent medical expert. The reviewer opined</p>	<p>Consent Order; Within 30 days MD to engage CPEP to develop an Educational Intervention plan</p>

		<p>that PA's overall care of the patients was below the acceptable standard of care in NC. In March 2021, PA met with members of the Board for an investigative interview. As a result, he was ordered for a competency assessment which he completed with the Center for Personalized Education for Professionals (CPEP) in July 2021. CPEP found that PA demonstrated several strengths as well as areas of educational need. CPEP recommended an Educational Intervention Plan to assist PA that included an educational preceptor and taking continuing medical education.</p>	
<p>KALLAM, Timothy Devin, PA-C (001010336) Greensboro, NC</p>	<p>12/02/2022</p>	<p>PA has not practiced as a physician assistant since December 2021. He has a history of substance use disorder more specifically described in the Consent Order dated July 14, 2022, in which his license was indefinitely suspended. In February 2022, PA signed a five-year monitoring contract with the North Carolina Professionals Health Program (NCPHP). In May 2022, he submitted his license reinstatement application to the Board. PA appeared before the Board for a licensing interview in November 2022 to discuss his reinstatement application and his substance use disorder and history. PA is currently in</p>	<p>License reinstated with terms and conditions</p>

		compliance with his NCPHP agreement, and NCPHP supports the reinstatement of his physician assistant license.	
SCOTT , George Richard, Sr., MD (009700392) Lynchburg, VA	12/07/2022	The Board first issued MD a medical license in March 1997. His license became inactive by request in August 2007. MD practiced medicine in Texas until December 2013. While he has been involved in the medical community in various ways since December 2013, he has not practiced medicine since that time. MD recognizes the need for a Reentry Plan in place to ensure that he safely reenters the practice of medicine. In April 2022, MD passed the American Board of Family Medicine Certification Examination.	License issued with reentry agreement
REPRIMANDS			
MIDLING , Christopher Stephen, MD (RTL201056) Chapel Hill, NC	12/28/2022	In late July 2021, UNC Health Care and UNC School of Medicine (UNC Health) mandated that all employees with clinical privileges receive a COVID-19 vaccine series prior to September 21, 2021, absent a religious or medical exemption. MD did not receive a religious or medical exemption to the COVID-19 vaccine and had not received a COVID-19 vaccine by the UNC Health deadline. After receiving anonymous reports that MD had submitted a falsified COVID-19 vaccination card, UNC Health began an investigation into MD's	Reprimand

	<p>vaccination status. When interviewed by UNC Health, MD claimed he had received two doses of the COVID-19 vaccine from his family physician and submitted a falsified vaccination card to appear compliant. In October 2021, MD admitted to UNC Health that he had submitted a falsified COVID-19 vaccination card and resigned his employment effective immediately and voluntarily presented to the North Carolina Professionals Health Program (NCPHP). NCPHP indicated that MD was exhibiting hallmarks of professional job-related burnout and experiencing depressive symptomology. The following day, MD self-reported to the Board that he had submitted a falsified COVID-19 vaccination card to UNC Health. MD advised that he did so while struggling with job-related burnout, and due to personal and family concerns related to the vaccine and its side effects. Thereafter, MD voluntarily enrolled in a Professionals Program that emphasized burnout resilience, mindfulness, and wellness. After several weeks, the program stated it had no concerns relating to MD's returning to clinical or academic responsibilities. MD has the support of numerous colleagues and peers. With the support of faculty members at UNC</p>	
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		Health, MD is continuing his residency training.	
PLUMMER , Charles Wayne, MD (000024982) Jamestown, NC	11/21/2022	MD owned and operated multiple pain clinics, called Restoration, throughout NC. At these clinics, MD, along with several other Advanced Practice Practitioners (APPs), provided pain management. The APPs practiced under MD's supervision. In May 2021, the Board entered into a Consent Order with MD in which he agreed to "only work as an anesthesiologist, in either an in-patient or out-patient ambulatory surgical setting and not practice pain management and he should close his pain management practices as soon as possible but no later than June 1, 2021." MD also agreed to no longer supervise APPs. MD has not closed his primary care practice located in Lexington, NC. He owned the practice but did not practice out of this clinic. Instead, MD continued to own and operate Restoration Internal Medicine in Lexington by allowing a physician assistant (PA) to provide primary care and pain management to his primary care patients. The PA was supervised by a current out-of-state physician, who resides and practices in Florida but was contracted to supervise the primary care office in December 2016 while working locally	Reprimand; MD shall close his practice at Restoration of Lexington within thirty days

		<p>with Cone Health. A review of the North Carolina Controlled Substance Reporting System shows that from January 1, 2022 through August 16, 2022, PA authorized hundreds of prescriptions for Schedule II opioids, including approximately 790 prescriptions for oxycodone alone. MD denies that keeping his primary care practice open was in violation of the Consent Order. MD believed that since he was not supervising the PA or practicing within the primary care office, he was in compliance with the Consent Order.</p>	
<p>WALTON, Charles Edward, II, PA-C (001002027) Wilmington, NC</p>	<p>11/07/2022</p>	<p>In November 2021, PA allowed his former stepdaughters and three of their friends, who were all minors, to consume alcohol in his presence at his residence. PA provided some of the girls Ambien® (zolpidem), a schedule IV controlled substance. None of the girls were patients under his care or had a prescription for Ambien®. The Ambien® was provided from his personal prescription. In December 2021, PA presented to the North Carolina Professionals Health Program (NCPHP) for an examination. NCPHP recommended completion of a comprehensive examination at a facility specializing in boundary and substance use related issues for healthcare professionals.</p>	<p>Reprimand; PA shall maintain his current contract with NCPHP and abide by its terms</p>

		In February 2022, PA reported to Mary Deitch, J.D., Psy.D. (Dr. Deitch) of Deitch Therapy and Consulting, LLC for his comprehensive examination. Dr. Deitch opined that PA was safe to practice but recommended NCPHP monitoring. PA's conduct resulted in being charged criminally, and in April 2022, he pleaded guilty to three misdemeanor counts of Contributing to the Delinquency of a Minor.	
DENIALS OF LICENSE/APPROVAL			
NONE			
SURRENDERS			
NONE			
PUBLIC LETTERS OF CONCERN			
CROWLEY , Arthur Reeves, MD (200801902) Erie, PA	11/14/2022	The Board is concerned that the Kentucky Board issued an Agreed Order of Fine on MD's Kentucky medical license that imposed a \$1,000 fine based on MD's answer to a question on the Kentucky license application that asked, "In the past ten years have you had to pay a settlement or judgment in a malpractice action or other civil action against your medical practice, or are there any malpractice or other civil actions against your medical practice presently pending in any court?" MD responded in the negative. However, he failed to disclose a settlement paid on his behalf in July 2018. Thus, the answer to the application question should have been "yes."	Public Letter of Concern

		Furthermore, the Board is concerned that MD failed to report this settlement on his NC medical license registration renewals until this matter was brought to MD's attention in July 2022.	
DASHER, James, MD (009800508) Kernersville, NC	12/30/2022	MD performed a surgical weight-loss procedure (laparoscopic sleeve gastrectomy) on a forty-two-year-old female (Patient). Patient called MD's office two days after discharge, indicating she was vomiting repeatedly and was unable to keep foods down. MD advised her to not drink fluids while nauseous and to return to the office the following day if needed; she did not return. Two days later, Patient presented to an emergency department (ED) after being yanked by her dog and subsequently experiencing pain in her left upper abdominal quadrant and below her ribs. Patient also reported vomiting with nausea. Patient's comprehensive metabolic panel (CMP) was unremarkable, but her white blood count (WBC) was high (21.0), and her urine specific gravity (USG) indicated dehydration. A computerized tomography (CT) scan of the abdomen and pelvis showed "small amount of fluid and stranding in the left upper quadrant, presumably postsurgical." Patient was discharged to home that	Public Letter of Concern

	<p>same date. The next day, MD examined Patient in his office and noted that she was “tolerating liquids without difficulty.” He assessed that the high “WBC was likely due to recent surgery with steroids and acute trauma.” MD did not address Patient’s elevated heart rate (122 bmp). Three days later, Patient returned to MD’s office and was seen by a nurse for staple removal. Patient was experiencing an elevated heart rate and shortness of breath and was sent to the emergency department where a CT pulmonary angiogram disclosed free fluid and the presence of gas in the peritoneal cavity, suspicious for a surgical site leak, which a subsequent diagnostic laparoscopy confirmed. A drain was placed for the gastric leak. Patient subsequently had related complications including an abscess and fistulas but ultimately recovered. The Board had MD’s care of Patient reviewed by an independent medical expert. The reviewing expert opined that MD’s care of Patient did not conform to the standards of acceptable and prevailing medical practice in NC. The reviewing expert opined that when Patient returned to MD’s office he should have immediately admitted her to the hospital to initiate treatment based</p>	
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		<p>on the Emergency Department CT scan and WBC, and the elevated heart rate in MD's office. While the reviewing expert acknowledges that leaks after laparoscopic sleeve gastrectomy are a known complication that can occur despite a surgeon's best efforts, the expert opined that the delay in the diagnosis of Patient's gastric leak likely "led to a more . . . prolonged course of management."</p>	
<p>ISERNIA, James, Michael, MD (202200131) Hickory, NC</p>	<p>11/10/2022</p>	<p>The Board is concerned that in May 2020, MD entered into a Consent Order with the Virginia Board of Medicine regarding concerns about his controlled substance prescribing and pain management treatment. The Virginia Consent Order reprimanded MD's Virginia medical license and required that he take fifteen hours of continuing medical education (CME) related to controlled substance prescribing, pain management and opioid addiction. The Board notes that, in July 2020, MD completed the CME and his Consent Order was terminated.</p>	<p>License issued with Public Letter of Concern</p>
<p>PENA, Rhonda Lynn, MD (200900901) Hershey, PA</p>	<p>12/09/2022</p>	<p>In August 2015, a twenty-eight-year-old pregnant female (32 weeks, 4 days) with a complaint of leaking fluid presented to a medical center where MD was the attending physician. A test to check if the fluid was</p>	<p>Public Letter of Concern</p>

	<p>amniotic fluid (AmniSure) was negative. The nurse informed MD of the patient's condition and her findings. Without examining the patient MD instructed the nurse to discharge her with instructions to call or come back if she continued to leak fluid or had any changes. Two days later the patient returned to the medical center complaining of increased abdominal pain, continued leakage of fluids, and no fetal movement. No fetal heart tones were detected, and an ultrasound confirmed fetal demise with little amniotic fluid surrounding the fetus (oligohydramnios). Patient subsequently delivered a non-viable male fetus. The Board had MD's care of the patient reviewed by an independent medical expert. The reviewing expert opined that MD's care of Patient failed to conform to the standards of acceptable and prevailing medical practice in North Carolina. The reviewing expert criticized MD's exclusive reliance on the negative AmniSure test, noting that the AmniSure instructions specifically state that negative results alone may not rule-out membrane rupture. The reviewing expert stated that MD should have performed a sterile speculum exam and possible ultrasound to further assess the</p>	
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		membrane status. The Board notes that MD had her care reviewed by her own experts who were supportive of the care she provided to the patient.	
MISCELLANEOUS ACTIONS			
SMITH , John Matthew, MD (009401494) New Bern, NC	12/20/2022	In November 2021, MD entered into a Consent Order with the Board in which his license to practice medicine in North Carolina was indefinitely suspended. MD has not practiced medicine since December 31, 2021. MD has complied with all terms and conditions of his 2021 Consent Order, including entering into and maintaining a monitoring contract with the North Carolina Professionals Health Program (NCPHP). The NCPHP reports that MD is in compliance with his monitoring contract.	License reinstated with terms and conditions; MD shall not treat any female patients or serve as a supervising physician for female Advanced Practice Providers
CONSENT ORDERS AMENDED			
OKWARA , Benedict Onwukwe, MD (000033878) Monroe, NC	11/14/2022	In September 2016, MD entered into a Non-Disciplinary Consent Order with the Board. The 2016 Consent Order issued MD a Public Letter of Concern and required, among other things, that he complete a comprehensive professional assessment in internal medicine and complete all resulting remediation recommendations. This action was based on findings that MD failed to properly treat one of his patients, as	Amended Consent Order; MD shall employ a medical transcriptionist and utilize an outside healthcare consulting organization to assist with coding, billing, medical records, and medical practice administration

	<p>detailed in the 2016 Consent Order. In December 2016, MD obtained a comprehensive professional assessment with The Center for Personalized Education for Professionals (CPEP). CPEP found areas of educational need and developed a remedial educational plan to enhance MD's medical knowledge (CPEP Plan). The Board received progress reports on an approximately quarterly basis from July 2017 to March 2020, detailing MD's educational activities in the CPEP Plan. These reports showed that MD actively participated and engaged in the CPEP Plan. CPEP authored a Summary Report in March 2020 and noted that MD had made significant progress with the CPEP Plan, but ultimately concluded that MD did not successfully complete the entire CPEP Plan. Based on the CPEP Summary Report, the Board had the care of eight of MD's patients reviewed by an independent medical expert who opined that the care rendered by MD was below the standard of care in North Carolina in seven of the eight patients. The Board notes that the focus of the independent medical expert's criticisms surrounded MD's lack of thorough and detailed medical record documentation. MD and the Board thereafter entered</p>	
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		into the June 2022, Consent Order, which addressed these concerns.	
SEITZ, Kent, MD (200900067) Charlotte, NC	11/08/2022	MD practiced addiction medicine in Charlotte, NC. In March 2016, he and the Board entered into a Consent Order wherein he was reprimanded and agreed to pay a \$2,000 fine. In the 2016 Consent Order, MD acknowledged that his treatment of three patients with opioid abuse disorder and his practice of leaving undated pre-signed prescriptions with an office staff member failed to conform to the standards of acceptable and prevailing medical practice in NC. In May 2019, MD and the Board entered into a second Consent Order wherein his license to practice medicine was indefinitely suspended. In the 2019 Consent Order, MD acknowledged writing prescriptions for Patient A in the name of Patient B so that Patient B's insurance would pay for Patient A's medications. MD also falsified Patient B's chart to show that the prescriptions were issued to Patient B when in fact they were not as Patient B had no medical condition which would require him to receive these medications. In September 2019, MD successfully completed the Professional Problem-Based Ethics Program sponsored by the Assessment and Education for Physicians and Other	Amended Order; MD shall be allowed to prescribe Schedule III, IV, and V controlled substances, but not Schedule II

		<p>Healthcare Professionals. In April 2020, the Board reinstated MD's license to practice medicine via Consent Order in which he was ordered not to prescribe controlled substances, except when prescribing buprenorphine for the purpose of providing medication assisted treatment for opioid use disorders, and this type of treatment was limited to 50 patients. MD was also prohibited from supervising any physician assistants or nurse practitioners for one year. In January 2022, the Board partially relieved MD of the prescribing restrictions allowing him to prescribe buprenorphine for the purpose of providing medication assisted treatment for opioid use disorders to 150 patients. In August 2022, MD requested, through counsel, the return of full prescribing privileges</p>	
<p>TATUM, David Arthur, DO (201601751) Charlotte, NC</p>	<p>12/20/2022</p>	<p>DO practiced adult and child psychiatry in Charlotte, NC. In June 2022, he was charged with one count of possession of child pornography. DO pled not guilty to the criminal charge and was granted pretrial release. In July 2022, DO and the Board entered into an Interim Non-Practice Agreement. He agreed that he would not practice medicine. The agreement was to remain in place until December 31, 2022 or until the criminal charge was</p>	<p>Amended Interim Non-Practice Agreement; DO will not practice medicine until given permission by Board President and will not supervise advanced practice providers</p>

		resolved, whichever occurred first. In November 2022, DO was charged with additional counts, including one count of production of child pornography and one count of transportation of child pornography. The government filed a Motion for Bond Revocation and Detention. DO was arraigned on the superseding indictment and entered a plea of not guilty. While awaiting trial on the charges, DO is being monitored by the United States Probation and Pretrial Services (probation office). DO wears an ankle monitor and is under house arrest. Additionally, his electronic devices are monitored by the probation office.	
TEMPORARY/DATED LICENSES: ISSUED, EXTENDED, EXPIRED, OR REPLACED BY FULL LICENSES			
KAPOOR, Kunal, MD (202203090)	12/01/2022	The Board issued MD a Special Purpose License to practice medicine and surgery in NC effective November 22, 2022, thru June 30, 2024. MD agrees to not practice medicine outside the limitations set forth in the Agreement. He may only practice as a clinical fellow at the University of North Carolina, Department of Surgery, Abdominal Transplant Division.	Special Purpose License Agreement
COURT APPEALS/STAYS			
NONE			
DISMISSALS			
NONE			

