

Adverse Actions Report November 2021 – December 2021

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			
ZACHER, Allan Norman, III, MD (000030531)	11/29/2021	Unprofessional conduct. MD performed cosmetic procedures on a patient in April 2018. Following the appointment, MD and the patient went to a restaurant in the same building as MD's medical practice, ate and each consumed at least one alcoholic drink. MD then drove the patient to his home. After spending some time at his home, MD and the patient drove to a local restaurant for dinner, and each consumed at least one alcoholic drink. After dinner, they returned to MD's home. Upon returning to his home, MD and the patient continued to drink alcohol and had sexual intercourse. Sherriff's Deputies conducted a welfare check at MD's residence and, upon arriving, one of the deputies saw the patient lying naked on the floor of MD's residence. When questioned, MD told the deputy that she was a	Revocation of NC medical license

		<p>patient and that they had gone out for drinks after her appointment. MD also stated to deputies that he had given her a caffeine pill. On September 7, 2021, MD voluntarily surrendered his North Carolina license.</p>	
SUSPENSIONS			
<p>HILL, Sherry Leigh, MD (200100696) Asheville, NC</p>	<p>12/22/2021</p>	<p>In June 2020, while on duty at a Tennessee hospital, MD was observed by hospital staff in what appeared to be an impaired state. MD's supervisors determined her to be impaired and asked that she submit to testing for drugs and alcohol. MD refused, stating she had consumed alcohol several hours before work and knew she would test positive. MD was subsequently terminated by her employer. The Tennessee Board of Medical Examiners investigated the incident and summarily suspended MD's Tennessee medical license in October 2020. NCMB thereafter opened an investigation. In October 2020, MD voluntarily went to the North Carolina Professionals Health Program (NCPHP), which conducted an initial evaluation and determined it could not</p>	<p>Indefinite Suspension retroactive to October 29, 2020</p>

		<p>advocate for MD as safe to practice medicine. NCPHP recommended further evaluation related to substance use and mental health concerns. MD obtained the recommended evaluation and treatment. In December 2020, MD entered into a Monitoring Agreement with NCPHP and has been compliant with her NCPHP Agreement for more than a year. As of December 13, 2021, NCPHP continued to advocate for MD to return to practicing medicine. In October 2020, MD inactivated her North Carolina medical license, but she plans to seek reinstatement once this matter is resolved.</p>	
<p>JAKINOVICH, Paul William, DO (RTL19-0577)</p>	<p>11/24/2021</p>	<p>DO suffers from a substance use disorder and has been a participant with the North Carolina Professionals Health Program (NCPHP) since 2019. From September to November 2020, DO, due to the stressors of the COVID-19 pandemic and an increased workload, wrote four prescriptions for Adderall under another physician's name, without that physician's permission or knowledge. When confronted with his actions, he apologized</p>	<p>Indefinite Suspension</p>

		but was terminated from his residency program in December 2020. DO was charged criminally and in May 2021 pleaded guilty to one count of misdemeanor common law forgery and three counts of misdemeanor attempt to obtain a controlled substance by forgery.	
POOLE, James Morrison, MD (00023168)	12/17/2021	MD was first issued a license to practice medicine in January 1979. He practiced pediatrics in Wake Forest, North Carolina. In October 2020, a 21-year-old female college student, reestablished care with MD, whom she had seen previously as a high school student. During that visit, MD made comments about the patient's looks, complimenting her on her attractiveness. Over the course of several additional visits, which were conducted via virtual technology, MD continued to make comments about the patient's looks. These comments, never appropriate from the onset, escalated and became more inappropriate. What began as comments such as "you're as cute as a button" and "you're such a pretty, young woman," progressed to "do you have a boyfriend...	Indefinite Suspension

		<p>except me, right?" At the last visit, when the patient decided to end her care with MD he asked about her career plans, and when she responded that she would like to be a flight attendant someday, MD commented that she would be one "sexy flight attendant" and warned that one day he would be a passenger who would "slap her bottom and give her a kiss." MD does not deny making the statements described above but states that he makes similar statements with other patients and that the purpose of the comments is not for sexual gratification but to boost a patient's self-esteem and to use humor to establish a rapport with his patients. In October 2021, MD's license was made inactive at his request.</p>	
<p>SMITH, John Matthew, MD (009401494) New Bern, NC</p>	<p>11/19/2021</p>	<p>MD began a sexual relationship with a patient in 2017 that lasted several years. MD transferred the patient to another physician and the Board has no evidence that he wrote prescriptions for or provided any medications to this patient after the transfer of care. MD underwent a comprehensive assessment by Acumen</p>	<p>Indefinite Suspension effective December 31, 2021; Conditions established for reinstatement</p>

		Assessments, which resulted in several recommendations for MD. MD is eligible to apply for reinstatement of his NC license with conditions, including payment of a \$15,000 fine.	
WILLSON , Shawn Louise, MD (201701998)	11/15/2021	MD was first issued a license to practice medicine in August 2017. The Board has evidence from which it could conclude that MD has been unable to practice medicine with reasonable skill and safety. In April 2021, MD inactivated her North Carolina medical license. During that inactivation period, the Board received information that MD had been providing psychiatric care and prescribing controlled substances to a patient with whom she had a close personal relationship.	Indefinite Suspension
LIMITATIONS/CONDITIONS			
REPRIMANDS			
CAHILL , John Michael, MD (200900535) Greenville, NC	12/21/2021	In June 2021, MD voluntarily surrendered his clinical privileges at Vidant Health Medical Center, in Greenville, NC, while he was under investigation. MD cooperated with the investigation, which involved allegations that he provided unsolicited	Reprimand

		hugs, back rubs, and kisses on the forehead to female nurses and coworkers, and, at times, made inappropriate comments. On one occasion, MD used a nurse to demonstrate the placement of pads for a transesophageal echocardiogram (TEE). It was alleged that during this demonstration, MD touched the nurse without her permission and in a way that made her uncomfortable. In demonstrating the placement positions of the pads for the TEE, MD touched her chest and back. The nurse did not consent to the touching and felt uncomfortable and offended. MD reports he thought he had her implied (unspoken) permission to touch her to demonstrate placement of the pads and that he never meant for any coworker to feel uncomfortable or offended.	
CLARK , Theresa Hitselberger, MD (000020020) Toano, VA	11/22/2021	MD was issued a license in 2006 but has not lived in or practiced in North Carolina for more than 15 years. In October 2019 the Board received a complaint alleging that MD accessed the private health information of someone who was not her patient. In June 2020 MD signed a Consent	Reprimand

		Order with the Virginia Board in which she was reprimanded. MD completed online continuing medical education related to healthcare breaches and professionalism. In August 2021, MD's license to practice medicine in North Carolina became inactive when she chose not to renew her license.	
POURNIK , Homayoun, MD (201801729) Greenville, NC	11/22/2021	MD admits that in March 2021 he obtained an antibiotic prescription for himself by fraudulently using a colleague's name and forging the colleague's signature on the prescription.	Reprimand; Indefinite Suspension, immediately stayed with conditions
DENIALS OF LICENSE/APPROVAL			
HICKS , Harlan Meguiel, MD (200101216) Statesville, NC	12/03/2021	The Board denied MD's application for licensure based on finding evidence in 2019 that he engaged in two separate inappropriate, sexual relationships with patients. MD also made false statements and willfully concealed material information from a Board investigator on two occasions in 2019. In June 2020 the Board indefinitely suspended MD's license based on his inappropriate sexual relationships and false statements and representations to the Board. MD applied for reinstatement of his NC	Denial of Licensure

		license in May 2021 and during a split-board panel licensing interview in September 2021, he again made false statements to the Board.	
SURRENDERS			
PUBLIC LETTERS OF CONCERN			
BARKER , Frederick William, MD (201001879) Bluefield, VA	12/29/2021	The Board is concerned that MD entered into a Consent Order in July 2021 with the WV Board requiring him to complete a medical record keeping course and submit to a medical record documentation audit following completion of the course. This action was based on allegations that MD postponed treatment of breast cancer for four patients in anticipation of a local hospital's purchase of equipment for an alternative treatment known as interoperative breast radiotherapy and did not properly advise the patients of his plan. The WV Consent Order reflects that MD verbally discussed this plan with all four patients, but did not capture these discussions in writing in the medical records. It is further noted that MD obtained an independent medical review that opined that his plan did not cause disease progression or compromise the ultimate	Public Letter of Concern

		<p>care to any patient. The WV Consent Order does not reflect any contrary opinion. MD advised the Board that the physician who initiated the complaint with the WV Board collaborated with him in the care of these and numerous patients over the course of many years and that physician never discussed with MD any concern about his care and treatment of the patients who are the subject of his complaint. MD also advised the Board that, in his professional opinion, the availability and use of interoperative breast radiotherapy is contrary to the financial interest of the physician who initiated the complaint. MD further advised that he has successfully completed the training and education required by the WV Board Consent Order and that he has implemented office procedures for improved medical record documentation.</p>	
<p>BETHEA, Angela Suezette, PA-C (001000773) Raleigh, NC</p>	<p>12/07/2021</p>	<p>The Board is concerned that PA's care of a 44-year-old female patient, who was admitted to the Medical Department of the Detention Facility where PA was employed, may have failed to conform to the standards of acceptable</p>	<p>Public Letter of Concern</p>

		<p>and prevailing medical practice in North Carolina. Upon admission on April 25, 2015, the patient was placed on the detention Facility's opiate withdrawal protocol, which was designed to provide palliative medications to treat withdrawal symptoms. Over the next few days, the patient's condition worsened and was given Imodium and IV of lactated Ringer's solution. The patient's condition became significantly worse and when PA examined her on April 28, 2015, she noted that the patient was lying in bed moaning but reported "nml exam." PA took no action at the time but stated in her notes that if the symptoms continued, she would give the patient more IV fluids. Later that evening the patient became unresponsive and went into cardiopulmonary arrest. The patient was successfully resuscitated but died several hours after transfer to the hospital. The Board had PA's treatment of the patient reviewed by an independent medical expert. The reviewing expert criticized the PA's failure to diagnose or recognize the severity of</p>	
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		<p>the patient's severe dehydration, which ultimately resulted in cardiopulmonary arrest. The reviewing expert noted that despite the patient having severe symptoms of vomiting and diarrhea secondary to her opioid withdrawal, PA failed to personally evaluate her for several days. The reviewing expert opined that the patient's advanced dehydration should have been apparent when performing a physical examination.</p>	
<p>MARTIN, Larry, DO (201101084) Matthews, NC</p>	11/22/2021	<p>The Board is concerned that in September 2017, MD intended to perform an arthroscopic partial meniscectomy on a patient's right knee to treat a medial meniscus tear. Prior to the surgery, he accurately identified and marked the patient's right knee. Despite this, an operating room nurse incorrectly draped the right leg and prepped the left knee for surgery. During surgery on the left knee, MD found and repaired a medial meniscus tear. Thus, believing he was performing surgery on the correct knee. He was later informed by a nurse that the surgery was inadvertently performed on the incorrect knee. MD promptly informed the patient and his wife,</p>	Public Letter of Concern

		<p>who decided to proceed with the intended surgery on the right knee on the same day. MD successfully performed the surgery on the patient's right knee. The patient recovered well. Even though other health care providers contributed to the confusion that resulted in surgery being performed on the patient's left knee, MD was ultimately responsible for ensuring that mistakes like this do not happen. The Board notes that he has taken steps to ensure that events like this do not happen again.</p>	
<p>MARTINEZ, Paul Armando, MD (009300219) Apex, NC</p>	11/09/2021	<p>The Board is concerned about MD's treatment of a 38-year-old female patient who presented to the emergency department with complaints of abdominal pain, tingling in her fingers and hands and a rapid heartbeat. The Board had MD's care of the patient reviewed by an independent emergency medicine physician medical expert who felt that MD gave the patient an appropriate medication for constipation but did not adequately address her complaints related to abdominal pain, numbness in hands and feet, and increased heart</p>	Public Letter of Concern

		<p>rate. Specifically, the independent medical expert felt that MD should have performed a rectal examination and KUB (kidney, ureter, and bladder) x-rays to confirm the constipation diagnosis. The independent medical expert additionally felt that MD should have discussed the numbness in the patient's hands and feet in greater detail and made a specialist referral for arrhythmia concerns. The independent medical expert felt that MD may have experienced something called "anchoring bias," which is a cognitive bias that causes people to rely heavily on the first piece of information they receive.</p>	
<p>OWUMI, Winifred, MD (201402386) Charlotte, NC</p>	11/29/2021	<p>The Board is concerned that MD performed a surgical procedure on a patient without discussing the diagnosis, surgical procedure, or associated risks with the patient's parents and without obtaining parental consent. Additionally, the Board is concerned that she altered the signed consent form. The Board notes that had MD performed a physical examination of the newborn prior to obtaining consent for the</p>	Public Letter of Concern

		circumcision, she most likely would have observed the penoscrotal webbing with penile concealment and could have obtained consent for both procedures at that time.	
ROOFIAN, Claude, MD (201101224) Las Vegas, NV	12/28/2021	The Board is concerned about MD's care of a patient and action taken against his NV medical license. In June 2015, a patient had brain surgery to remove a tumor in Nevada. The neurosurgical team medical records indicated that the patient had a craniopharyngioma, which is a rare type of benign brain tumor. The patient was discharged to home hospice. MD treated the patient during the hospital admission and signed discharge orders and a Plan of Care indicating that the patient was terminally ill and had a limited life expectancy and medical prognosis of six months or less if the illness ran its normal course. MD also indicated that the patient's primary diagnosis was MALIG NEO BRAIN NOS (i.e., a cancerous, malignant brain neoplasm). The NV Board indicated that this was a charting error. The NV Board filed a Complaint against	Public Letter of Concern

		MD in July 2021, related to the care of the patient. The NV Board Complaint was resolved via a Settlement Agreement with MD in September 2021 that found that he made a charting error, required him to pay \$7,689.69 in costs and expenses and a fine of \$10,000 and reprimanded his NV medical license.	
TYNER, Michael Anthony, MD (000039705) Raleigh, NC	11/19/2021	The Board is concerned that MD's care of two patients may have failed to conform to the standards of acceptable and prevailing medical practice. The Board had the care of two patients reviewed by an independent medical expert. The reviewing expert retrospectively criticized MD's care, expressing concern related to his decision to perform a surgical weight loss procedure (sleeve gastrectomy) combined with surgery to treat gastro-esophageal reflux disease (fundoplication) on one patient. In the case of the other patient, the expert reviewer criticized MD's failure to adequately gauge the fascial defect during a hernia repair and felt the removal of part of the colon (subtotal colectomy) was not indicated. The reviewing	Public Letter of Concern

		expert also disagreed with MD's reuse of the permanent mesh after the subtotal colectomy.	
MISCELLANEOUS ACTIONS			
DOBNER , Joseph Jacob, MD (000019332) Frankfort, KY	11/15/2021	Although MD was first issued a North Carolina license in June 1974 he has never practiced in the state. In June 2021, MD entered into a Consent Order with the Commonwealth of Kentucky Board of Medical Licensure in which his Kentucky medical license was placed on probation for a period of five years due to the suspension of his clinical privileges at Frankfort Regional Medical Center. The Kentucky Board also ordered MD to be evaluated by the Acumen Institute (Acumen) and to comply with all treatment recommendations. MD presented to Acumen and fully complied with the Kentucky Order.	License voluntarily inactivated
LAMB , Douglas Lawrence, PA-C (000103678) Beulaville, NC	12/10/2021	PA has applied for reinstatement of his license to practice in North Carolina. In August 2019, PA inactivated his North Carolina license at the request of the Board. PA has not practiced since June 2020, when he was working for the Veteran's Affairs. In April 2020, the Board indefinitely suspended his license based on	License reinstated with terms and conditions.

		allegations that he prescribed controlled substances to both an immediate family member and an individual with whom he was having a sexual relationship, and for engaging in an inappropriate relationship of a sexual nature with a patient.	
MCGARR, Sean, Elliott, DO (202103348) Hallowell, ME	12/07/2021	DO currently has a license to practice medicine in Maine and until recently practiced there. In 2020, the Maine Board of Osteopathic Licensure investigated DO's self-report that he was accused of an instance of domestic violence. This accusation was dismissed, but the Maine Board asked DO to undergo an assessment, which concluded that DO does not have a substance use problem. In July 2021, the Maine Board closed its investigation with a Letter of Guidance. As part of the application process, DO was assessed by the North Carolina Professionals Health Program (NCPHP) which also concluded that DO does not have a substance use disorder. DO signed a monitoring agreement in August 2021 with NCPHP to further confirm he has no substance use	License issued via non-disciplinary consent Order

		disorder.	
PYLE, Andrew C., PA-C (001006429) Hickory, NC	11/23/2021	In November 2017 PA was arrested for Driving while Impaired (DWI) and was convicted of DWI in July 2018. He signed a five-year monitoring agreement with the North Carolina Professionals Health Program (NCPHP) in April 2018. At that time, PA was deemed safe to practice medicine and was in compliance with his NCPHP agreement. In March 2021, PA consumed alcohol and was involved in a single-car accident. This was a violation of the NCPHP monitoring contract. PA worked with NCPHP, admitted himself for alcohol treatment, which he successfully completed, and has been deemed safe to practice medicine by his therapist as of June 2021.	Consent Order; PA shall maintain his agreement with NCPHP and abide by all of its term
CONSENT ORDERS AMENDED			
NONE			
TEMPORARY/DATED LICENSES: ISSUED, EXTENDED, EXPIRED, OR REPLACED BY FULL LICENSES			
ZENDEL, Alexey, MD (202003584)	11/03/2021	MD's special purpose license agreement issued August 2020 is extended until July 31, 2022. MD to adhere to practice limitations set within the original agreement.	Amended Special Purpose License Agreement, Temporary/Dated License Extended
COURT APPEALS/STAYS			
NONE			
DISMISSALS			
NONE			