

NORTH CAROLINA MEDICAL BOARD
Board Orders/Consent Orders/Other Board Actions
September-October 2005

DEFINITIONS:

Annulment:

Retrospective and prospective cancellation of the practitioner's authorization to practice.

Conditions:

A term used in this report to indicate restrictions, requirements, or limitations placed on the practitioner.

Consent Order:

An order of the Board stating an agreement between the Board and the practitioner regarding the annulment, revocation, suspension, or surrender of the authorization to practice, or the conditions placed on the authorization to practice, or other action taken by the Board relative to the practitioner. (A method for resolving a dispute without a formal hearing.)

Denial:

Final decision denying an application for practice authorization or a request for reconsideration/modification of a previous Board action.

Dismissal:

Board action dismissing a contested case.

Inactive Medical License:

To be "active," a medical license must be registered on or near the physician's birthday each year. By not registering his or her license, the physician allows the license to become "inactive." The holder of an inactive license may *not* practice medicine in North Carolina. Licensees will often elect this status when they retire or do not intend to practice in the state. (Not related to the "voluntary surrender" noted below.)

NA:

Information not available or not applicable.

NCPHP:

North Carolina Physicians Health Program.

RTL:

Resident Training License. (Issued to those in post-graduate medical training who have not yet qualified for a full medical license.)

Revocation:

Cancellation of the authorization to practice. Authorization may not be reissued for at least two years.

Stay:

The full or partial stopping or halting of a legal action, such as a suspension, on certain stipulated grounds.

Summary Suspension:

Immediate withdrawal of the authorization to practice prior to the initiation of further proceedings, which are to begin within a reasonable time. (Ordered when the Board finds the public health, safety, or welfare requires emergency action.)

Suspension:

Withdrawal of the authorization to practice for a stipulated period of time or indefinitely.

Temporary/Dated License:

License to practice for a specific period of time. Often accompanied by conditions contained in a Consent Order. May be issued as an element of a Board or Consent Order or subsequent to the expiration of a previously issued temporary license.

Voluntary Surrender:

The practitioner's relinquishing of the authorization to practice pending or during an investigation. Surrender does not preclude the Board bringing charges against the practitioner. (Not related to the "inactive" medical license noted above.)

ANNULMENTS

NONE

REVOICATIONS

BERTLESON, Douglas Eugene, MD

Location: Pasadena, CA
DOB: 7/09/1953
License #: 0096-00414
Specialty: OB/GYN (as reported by physician)
Medical Ed: Loma Linda University (1979)
Cause: Dr Bertleson's California medical license was revoked by the California Board in October 2004 for dishonesty and the making of false statements. He was also fined \$9,509.37.
Action: 10/24/2005. Findings of Fact, Conclusions of Law, and Order of Discipline issued following hearing on 10/19/2005: Dr Bertleson's North Carolina medical license is revoked.

CRITTENDEN, John Jay, MD

Location: Pensacola, FL
DOB: 3/12/1960
License #: 0000-30796
Specialty: OPH (as reported by physician)
Medical Ed: University of South Alabama (1985)
Cause: Dr Crittenden's Florida medical license was suspended by the Florida Board based on information he suffered a relapse in his addiction to cocaine.
Action: 9/01/2005. Findings of Fact, Conclusions of Law, and Order of Discipline issued following hearing on 8/18/2005: Dr Crittenden's North Carolina medical license is revoked.

KISSINGER, James Michael, MD

Location: Durham, NC (Durham Co)
DOB: 5/25/1964
License #: 0095-01571
Specialty: IM (as reported by physician)
Medical Ed: University of Miami (1990)
Cause: In 1998, the Georgia Board suspended Dr Kissinger's Georgia medical license and he was to enter treatment for chemical dependency. In 2000, Florida ordered he comply with all terms of the Georgia order and remain under contract with the Florida Physicians Recovery Network. In December 2003, the Florida Board revoked Dr Kissinger's Florida license based on his being unable to practice with reasonable skill and safety due to his relapse on cocaine and alcohol.
Action: 9/07/2005. Findings of Fact, Conclusions of Law, and Order of Discipline issued following hearing on 10/20/2004: Dr Kissinger's North Carolina medical license is revoked.

OLCHOWSKI, Steven Edward, MD

Location: Ionia, MI
DOB: 11/24/1947
License #: 0095-00169
Specialty: GS/CRS (as reported by physician)
Medical Ed: St. Louis University (1973)
Cause: The Board found that Dr Olchowski committed the following acts of misconduct: he performed a surgical procedure on five patients other than the one for which he had obtained informed consent; he falsified the medical records of eight patients by indicating in various places on those records that he had performed a Roux-en-Y procedure when he had performed a loop bypass or a loop bypass with a Braun anastomosis; he falsified a patient's operative report to indicate he had performed a Roux-en-Y when he had performed a loop bypass with a Braun anastomosis; he billed eight insurance providers for Roux-en-Y procedures when he had performed a loop bypass or a loop bypass with a Braun anastomosis; he obtained express prior approval from, and/or billed, insurance providers for a Roux-en-Y procedure for eight patients on whom he actually performed a

loop bypass or a loop bypass with a Braun anastomosis; the Georgia Board denied his medical license application; the Kentucky Board denied his medical license application; he provided false responses to questions on his application for a Georgia medical license; he provided false responses to questions on his application for a Texas medical license; he provided false responses to questions on his application for a Florida medical license.

Action: 9/09/2005. Findings of Fact, Conclusions of Law, and Order of Discipline issued following hearing on 8/17/2005: Dr Olchowski's North Carolina medical license is revoked for each of the 10 Board findings noted above; may not make application for at least two years.

ROBINSON, Taylor, MD

Location: Eugene, OR

DOB: 7/10/1945

License #: 0000-21707

Specialty: NA

Medical Ed: Louisiana State University, New Orleans (1971)

Cause: Dr Robinson last practiced medicine in Oregon, though he has not practiced there since 1993, when his license was revoked by the Oregon Board of Medical Examiners. In a Final Order dated 1/13/2005, the Oregon Board denied Dr Robinson's application for a medical license based on the fact he had provided the false information to the Board, committed fraud or made misrepresentations to the Board, engaged in unprofessional or dishonorable conduct, and refused an invitation to meet with the Board.

Action: 9/09/2005. Findings of Fact, Conclusions of Law, and Order of Discipline issued following hearing on 8/17/2005: Dr Robinson's North Carolina medical license is revoked.

SUSPENSIONS

GARDEN, John Wells, MD

Location: Lexington, KY

DOB: 5/15/1935

License #: 0000-13106

Specialty: OPH (as reported by physician)

Medical Ed: University of North Carolina School of Medicine (1961)

Cause: Dr Garden's application for renewal of his Kentucky license was denied on a finding that he had refused to enter into a Letter of Agreement requiring a Kentucky Physicians Health Foundation aftercare contract for alcohol dependency. The Letter was a condition for renewal of his license.

Action: 9/01/2005. Findings of Fact, Conclusions of Law, and Order of Discipline issued following hearing on 8/18/2005: Dr Garden's North Carolina medical license is indefinitely suspended.

GOULD, James Douglas, MD

Location: Virginia Beach, VA

DOB: 3/21/1968

License #: 0096-01327

Specialty: AN (as reported by physician)

Medical Ed: State University of New York (1994)

Cause: In December 2003, the Virginia Board placed conditions on Dr Gould's medical license due to diverting and self-administering controlled substances. He was ordered to continue to comply with his Treatment Program Agreement with the Medical Society of DC and with his Recovery Monitoring Contract.

Action: 9/02/2005. Findings of Fact, Conclusions of Law, and Order of Discipline issued following hearing on 8/18/2005: Dr Gould's North Carolina medical license is indefinitely suspended.

HAMVAS, Rania Kouatli, MD

Location: Marietta, GA

DOB: 7/12/1957

License #: 0000-36195

Specialty: FP/GS (as reported by physician)

Medical Ed: University of Damascus, Syria (1980)
Cause: On 6/10/2004, the Georgia Board and Dr Hamvas entered into a Consent Order in which Dr Hamvas was suspended and reprimanded on information he abused opiates and was arrested for attempting to obtain controlled substances by fraud.
Action: 9/02/2005. Findings of Fact, Conclusions of Law, and Order of Discipline issued following hearing on 8/18/2005: Dr Hamvas' North Carolina medical license is indefinitely suspended.

See Consent Orders:

FREEMAN, Tyler Ira, MD
KING, David James, MD
LARSON, Michael Joseph, MD
McCALL, Michael Alvin, MD
PHILLIPS, Thomas Caldwell, III, MD
SELLERS, Marc T., Physician Assistant
URETZKY, Ira David, MD
WARD, Amy Elizabeth, MD
WESSEL, Richard Frederick, MD

SUMMARY SUSPENSIONS

MERCIER, Randall Robert, MD

Location: Pinehurst, NC (Moore Co)
DOB: 12/06/1953
License #: 0000-26898
Specialty: IM/ISM (as reported by physician)
Medical Ed: Tulane University (1980)
Cause: Dr Mercier may be unable to practice medicine with reasonable skill and safety to patients as shown by the Notice of Charges and Allegations/Notice of Hearing filed 10/25/2005, which is available in the physician's record as it appears on the Board's Web site at www.ncmedboard.org.
Action: 10/25/2005. Order of Summary Suspension of License issued: Dr Mercier's North Carolina medical license is suspended on service of this Order at his last known address.

CONSENT ORDERS

BLACHE, Tonya Lashon, MD

Location: Wake Forest, NC (Wake Co)
DOB: 04/29/1962
License #: 2005-01685
Specialty: Public Health (as reported by physician)
Medical Ed: Morehouse School of Medicine (1989)
Cause: On application for medical license. Dr Blache is licensed in California and Georgia, but she has not practiced medicine since July 2000. She has gotten CME credit since that time and has the Physician's Recognition Award from the AMA valid til September 2005. She shared with the Board a narrative plan to update her skills, though she does not intend to return to clinical practice at this time. Her intention is to practice only in an administrative setting, performing child health and safety consultations.
Action: 9/21/2005. Consent Order executed: Dr Blache is granted a limited administrative medical license that requires she restrict her practice to administrative medicine and not engage in clinical practice; prior to resuming clinical practice in North Carolina, she must submit a complete application for a license containing a plan to update her medical skills and must obtain approval of her practice site from the president of the Board.

BROWN, Allen, Physician Assistant

Location: Monroe, NC (Union Co)
DOB: 7/22/1949
License #: 0001-01663

PA Education: Alderson Broaddus (1992)
Cause: On 6/07/2005, Mr Brown was asked by a Board investigator to produce several of the documents required for his practice as a PA, which must be made available for inspection on request by a Board agent. Mr Brown could not produce them. He also stated he did not know he was supposed to maintain a quality improvement plan or a signed back-up supervising physician agreement. He knew the protocols of the clinic and was aware of the Scope of Practice and Prescription Authorization but did not remember signing it. He also reported having only six hours of CME in the past two years.
Action: 10/13/2005. Consent Order executed: Mr Brown is reprimanded.

CAULFIELD, Walter Harry, III, MD

Location: Gastonia, NC (Gaston Co)
DOB: 6/12/1962
License #: 0096-00399
Specialty: PS (as reported by physician)
Medical Ed: University of Pittsburgh (1988)
Cause: Dr Caulfield and his partners at Southeastern Plastic Surgery (SEPS) in Gastonia received sales and marketing materials from Toxin Research International, Inc, promoting Botulinum Neurotoxin Type A (BNTA) as a safe and effective therapy for treatment of wrinkles and they ordered a supply of BNTA. Separate consent forms were prepared and provided to patients of SEPS receiving the TRI product advising them they were to get non-FDA-approved BNTA. The form also included language that BNTA had been "proven safe in clinical trials." Dr Caulfield was aware BNTA, the same active ingredient in both the FDA-approved BOTOX and the TRI product, had been proven safe in clinical trials relating to Allergan BOTOX. However, SEPS failed to exercise due diligence in confirming the accuracy of the statement "proven safe in clinical trials" in its consent form, in that it was not known whether TRI had conducted such trials. In January 2005, Dr Caulfield and SEPS learned through the media that a problem may have been encountered with non-FDA approved BNTA products in another state and that the FDA was investigating TRI and other makers. SEPS immediately ceased use of the TRI product; it notified all patient who received the TRI product and inquired about any problems encountered as a result of its use. To date, no patients have reported unusual side effects or complications. Dr Caulfield and SEPS have fully cooperated with the Board's investigation. Dr Caulfield has no prior history of patient complaints with the Board and SEPS provides plastic, reconstructive, and hand surgery services to the underinsured and uninsured in Gaston, Cleveland, Lincoln, and Rutherford Counties. Dr Caulfield also has a record of service to underserved areas of western North Carolina and has volunteered surgical services overseas. He voluntarily wrote to his patients regarding this issue and met with those who wished it. He has expressed remorse and apologizes for the lack of due diligence in this matter.
Action: 9/23/2005. Consent Order executed: Dr Caulfield is reprimanded.

CLARK, Vivian Elizabeth, MD

Location: Chapel Hill, NC (Orange Co)
DOB: 3/30/1953
License #: 0000-30614
Specialty: OB/GYN (as reported by physician)
Medical Ed: Boston University (1981)
Cause: On 7/23/2004, Dr Clark was on call for her hospital. That morning, she had performed a caesarian section at Durham Regional Hospital and then left for home. Having completed on-call duties at 9:30 AM, she returned home, had a glass of wine with lunch, and became involved with a stressful matter that involved running errands. During her errands, she was involved in a minor auto accident in a store parking lot, striking a parked care while she was pulling into the adjacent parking space. She left her name and number on the other car's windshield and went home. Unsettled by the incident, she had another glass of wine at home. Someone called the police and the police went to Dr Clark's home. By the time they arrived, she had consumed more than half a bottle of wine. She was arrested and charged with driving under the influence of alcohol. She returned to the hospital that night after her arrest, but was not needed. She later pled guilty to

reckless driving and the DUI charge was dropped. She self-referred to and has been assessed by the NCPHP, which reported its opinion that she is not an alcoholic and that this behavior will not be repeated. She has expressed sincere sorrow over these events.

Action: 10/18/2005. Consent Order executed: Dr Clark is reprimanded.

COLEMAN, Elizabeth Anne, MD

Location: Wilmington, NC (New Hanover Co)

DOB: 2/21/1951

License #: 0000-29062

Specialty: P (as reported by physician)

Medical Ed: University of North Carolina School of Medicine (1983)

Cause: On application for reissuance of her license. Dr Coleman asked her license become inactive in 1991 and she has not practiced since then. She now wishes to practice with a volunteer license under supervision of a practicing psychiatrist for a limited time each week. She has had a neuropsychological examination that she would like to have made public she has kept her CME up to date.

Action: 9/01/2005. Consent Order executed: Dr Coleman's license is reissued; she is approved to practice under supervision of a physician to be approved by the president of the Board; she must have prior approval by the president of the Board before changing practice locations; her supervising physician shall send the Board a quarterly report on the level of her demonstrated clinical skill; she shall practice no more than 16 hours a week; the result of her neuropsychological examination shall be attached to this Consent Order; must comply with other conditions.

DYER, Eric Wayne, Physician Assistant

Location: Southport, NC (Brunswick Co)

DOB: 4/01/1974

License #: 0010-00320

PA Education: South University (2005)

Cause: Between August 1998 and October 2002, Mr Dyer practiced as an athletic trainer in Tennessee without a Tennessee license. He obtained a license in October 2002. In 2003, his athletic training certificate was placed on probation by the National Athletic Trainers Association and he was required to do 40 additional hours of CEU due to his neglecting to provide his CEU requirements for 2000-2002. On 2/03/2004, he received a Letter of Reprimand from the Tennessee State Medical Board for practicing as an athletic trainer without a license.

Action: 10/21/2005. Consent Order executed: Mr Dyer is reprimanded. He is issued a North Carolina PA license.

EMERSON, Eric Tomson, MD

Location: Gastonia, NC (Gaston Co)

DOB: 9/16/1964

License #: 0097-00938

Specialty: PS (as reported by physician)

Medical Ed: Vanderbilt University (1990)

Cause: Dr Emerson and his partners at Southeastern Plastic Surgery (SEPS) in Gastonia received sales and marketing materials from Toxin Research International, Inc, promoting Botulinum Neurotoxin Type A (BNTA) as a safe and effective therapy for treatment of wrinkles and they ordered a supply of BNTA. Separate consent forms were prepared and provided to patients of SEPS receiving the TRI product advising them they were to get non-FDA-approved BNTA. The form also included language that BNTA had been "proven safe in clinical trials." Dr Emerson was aware BNTA, the same active ingredient in both the FDA-approved BOTOX and the TRI product, had been proven safe in clinical trials relating to Allergan BOTOX. However, SEPS failed to exercise due diligence in confirming the accuracy of the statement "proven safe in clinical trials" in its consent form, in that it was not known whether TRI had conducted such trials. In January 2005, Dr Emerson and SEPS learned through the media that a problem may have been encountered with non-FDA approved BNTA products in another state and that the FDA was investigating TRI and other makers. SEPS immediately ceased use of the TRI product; it notified

all patient who received the TRI product and inquired about any problems encountered as a result of its use. To date, no patients have reported unusual side effects or complications. Dr Emerson and SEPS have fully cooperated with the Board's investigation. Dr Emerson has no prior history of patient complaints with the Board and SEPS provides plastic, reconstructive, and hand surgery services to the underinsured and uninsured in Gaston, Cleveland, Lincoln, and Rutherford Counties. Dr Emerson also has a record of service to underserved areas of western North Carolina. He has expressed remorse and apologizes for the lack of due diligence in this matter.

Action: 9/23/2005. Consent Order executed: Dr Emerson is reprimanded.

FENN, Tracy Ann, Physician Assistant

Location: Henderson, NC (Vance Co)

DOB: 7/21/1966

License #: 0010-00278

PA Education: Emory University (1995)

Cause: Ms Fenn failed to reveal on her application for a PA license that she had been charged with driving under the influence, a question specifically asked on the application form. The Board requests fingerprints of license applicants and conducts criminal background checks. As a result of its background check on Ms Fenn, the Board learned she had been arrested in Georgia for DUI in 1987. She had pled no contest to the charge and the Georgia court withheld adjudication of the charge on condition she not commit any further offenses for a set period of time. Ms Fenn complied with the condition and the charge was never adjudicated. She explained that her failure to disclose her 1987 arrest was unintentional.

Action: 10/11/2005. Consent Order executed: Ms Fenn is granted a full and unrestricted PA license; she shall abide by all laws, rules, and regulations in the future.

FREEMAN, Tyler Ira, MD

Location: Charlotte, NC (Mecklenburg Co)

DOB: 2/01/1934

License #: 0000-25706

Specialty: IM/OM (as reported by physician)

Medical Ed: Chicago Medical School (1959)

Cause: Dr Freeman served as medical director of NeoGenesis in Charlotte, NC, from 2002 to 2005. The founder of NeoGenesis, William Pearce, is not a physician, but he performed chelation therapy and medical acts on patients at NeoGenesis and issued prescriptions in Dr Freeman's name without Dr Freeman examining the patients or establishing a physician-patient relationship. Dr Freeman learned during his tenure that Mr Pearce was performing medical acts and was not a physician. Dr Freeman did not come to the clinic on a regular basis, did not examine patients, and did not prepare or review medical records on a regular basis. Dr Freeman's conduct was unprofessional and constituted aiding and abetting the unlicensed practice of medicine.

Action: 10/19/2005. Consent Order executed: Dr Freeman's North Carolina medical license is suspended indefinitely and he may not apply for reinstatement for at least six months; he shall not be entitled to issue prescriptions; he shall surrender his DEA privileges; he shall continue to practice only in the area of disability determination upon his resumption of practice; must comply with other conditions.

GREENBERG, Richard Paul, MD

Location: Shelby, NC (Cleveland Co)

DOB: 01/06/1944

License #: 0097-01758

Specialty: NS (as reported by physician)

Medical Ed: University of Bologna School of Medicine (1969)

Cause: Dr Greenberg's privileges at Gaston Memorial Hospital were restricted in 2005 as the result of peer review of his patients. He was required to obtain a concurring opinion prior to performing any spinal surgery and to have a board certified surgeon scrub with him when doing spinal surgery. The Medical Board had an expert medical review conducted of 11 of Dr Greenberg's cases thought to be problematic. Three of those cases were criticized as below the standard of

care. A fourth case, from 2002, was also found to be below the standard of care. Dr Greenberg has had limited vision in one eye since he was injured at the age of three and he has limited color vision in both eyes, but the identified surgical problems did not result from Dr Greenberg's vision problems. However, he never informed those making licensing and credentialing decisions relating to him about his visual limitations, and he acknowledges he should have done so.

Action: 10/19/2005. Consent Order executed: Dr Greenberg's license is hereby limited: he shall not perform any surgery in the state of North Carolina; he shall disclose his vision problems—whether asked or not—when applying for any medical or surgical privileges; he will be allowed to evaluate and treat patients as long as he does not perform surgery; he agrees to random chart reviews by the Board; must comply with other conditions.

HARRISON, Joy Gwendolyn, MD

Location: Oyster Bay, NY

DOB: 1/18/1946

License #: 0098-01296

Specialty: EM/IM (as reported by physician)

Medical Ed: Hahnemann University (1981)

Cause: In January 2005, the Massachusetts Board and Dr Harrison entered into a Consent Order in which Dr Harrison was reprimanded, fined \$1,500, and required to complete CME hours. This action was based on the Board's finding that she had improperly prescribed medications to a patient without performing a medical examination.

Action: 9/15/2005. Consent Order executed: Dr Harrison is reprimanded.

JONES, Frielden Bertie, III, MD

Location: Marshall, NC (Madison Co)

DOB: 5/21/1950

License #: 0000-20925

Specialty: FP (as reported by physician)

Medical Ed: University of North Carolina School of Medicine (1976)

Cause: In April 2002, Dr Jones saw Patient A, his patient for seven years, and renewed Patient A's prescriptions for Percocet® and diazepam, both controlled substances that were appropriate for Patient A's chronic pain at the time. Thereafter, Dr Jones prescribed periodic renewal prescriptions for Patient A at the request of Patient A's sister, who picked up the prescriptions at Dr Jones' office. Dr Jones reports the periodic renewal prescriptions were inadvertently issued for 16 months without Dr Jones examining or talking to Patient A for a periodic assessment. During nearly all that period, Patient A was incarcerated in the North Carolina prison system, a fact of which Dr Jones was unaware. Dr Jones reports that his usual practice was regularly to see and evaluate any patient receiving such prescriptions, but he had no system in place at the time in question in order to ensure such assessments. He reports this situation was an aberration and a departure from his usual practice and there was no intent on his part to depart from prevailing and acceptable medical practice. Neither Dr Jones nor the clinic by which he was employed received any payment or financial gain from the issuance of the renewal prescriptions and Dr Jones had no dishonest or selfish motive. No patient was injured or harmed and Dr Jones has no prior disciplinary action or allegation against him. He has indicated his remorse and has fully cooperated with the Board. He informs the Board that he and the clinic have instituted appropriate remedial measures.

Action: 10/19/2005. Consent Order executed: Dr Jones is reprimanded.

KING, David James, MD

Location: Louisburg, NC (Franklin Co)

DOB: 12/03/1951

License #: 0000-33388

Specialty: IM (as reported by physician)

Medical Ed: Rutgers (1982)

Cause: Dr King discussed with several of his patients a personal relationship that had occurred between him and a former employee. He asked a patient to approach the former employee in order to relay

a message to her on Dr King's behalf. He discussed his personal feelings about the former employee with his receptionist and caused her to resign. These were inappropriate conversations. He submitted himself for an assessment to the NCPHP and it recommended he undergo a thorough evaluation at the Professional Renewal Center and have additional education and training regarding boundary violations. He had his assessment at the PRC in June 2005. He was admitted to the treatment phase at the PRC and completed it on 7/15/2005. In August, he completed a CME course on maintaining proper boundaries. He understands discussing his personal problems with patients and employees is unprofessional.

Action: 10/19/2005. Consent Order executed: Dr King's North Carolina medical license is suspended for two years; suspension is stayed for all but 90 days, which are deemed to have been served, and he is placed on probation; he will agree to adhere to the requirements of his NCPHP contract; he shall ensure a female chaperone who has read this Consent Order is present when he examines a female patient who is partially or fully undressed; the chaperone shall document she was present and that there was no misconduct or boundary violation; must comply with other conditions.

LARSON, Michael Joseph, MD

Location: Chapel Hill, NC (Orange Co)

DOB: 3/17/1951

License #: 0000-28661

Specialty: P/GP (as reported by physician)

Medical Ed: University Saint Thomas, Philippines (1979)

Cause: Dr Larson began treating Patient A in May 2001. In June 2001, he phoned Patient A and asked her to go on a date with him. Through August 2001, during the physician-patient relationship, Dr Larson and Patient A engaged in a sexual relationship. During August, 2001, Dr Larson and Patient A had sexual intercourse in his office at the Albemarle Mental Health Center and he falsified her medical record to indicate she was seen for an office visit. Dr Larson left Albemarle Mental Health Center and moved to Chapel Hill in late August 2001. He did not advise Patient A of the move.

Action: 10/19/2005. Consent Order executed: Dr Larson's North Carolina medical license is suspended indefinitely as of 11/01/2005; he may not apply for reinstatement until 11/01/2006.

McCALL, Michael Alvin, MD

Location: Atlanta, GA

DOB: 11/04/1961

License #: 0000-36569

Specialty: OB/GYN (as reported by physician)

Medical Ed: University of Florida College of Medicine (1989)

Cause: In a Consent Order of 2/03/2005, the Georgia Board indefinitely suspended Dr McCall's medical license. In January 2005, he re-entered a substance abuse facility after a relapse and remains in treatment. He has complied with his Consent Order thus far and has an expected discharge date near the end of this year.

Action: 10/19/2005. Consent Order executed: Dr McCall's North Carolina medical license is indefinitely suspended.

MORRIS, Adrian Anthony, MD

Location: Troy, NY

DOB: 10/07/1956

License #: 0000-31597

Specialty: P (as reported by physician)

Medical Ed: University of Witwatersrand, South Africa (1979)

Cause: On 9/28/2004, the New York Board and Dr Morris entered into a Consent Order in which Dr Morris received a censure and reprimand, was fined \$3,000, and was prohibited from entering into a patient-physician relationship with Patient A. He admitted he failed to maintain a patient record for Patient A that accurately reflected the patient's evaluation and treatment.

Action: 9/15/2005. Consent Order executed: Dr Morris is reprimanded.

PHILLIPS, Thomas Caldwell, III, MD

Location: Sanford, NC (Lee Co)
DOB: 8/24/1957
License #: 0000-32830
Specialty: NEP/IM (as reported by physician)
Medical Ed: Emory University (1982)
Cause: Dr Phillips has a history of substance abuse dating to 1983. On his 1988 North Carolina license application, he failed to inform the Board of his substance abuse history. He admits having used cocaine in November 2003 and February 2004. On 9/11/2004, he became intoxicated and, as a result of a domestic dispute to which law enforcement responded, he entered and completed three months inpatient treatment for substance abuse. He is a participant in the NCPHP and the NCPHP reports he is in compliance with his NCPHP contract.
Action: 9/23/2005. Consent Order executed: Dr Phillips' North Carolina medical license is suspended indefinitely, beginning 10/15/2005; suspension is stayed after 60 days on terms and conditions; unless lawfully prescribed by someone else, he shall refrain from the use of mind-or mood-altering substances, and he shall inform the Board within 10 days of such use, noting the prescriber and the pharmacy filling the prescription; at the Board's request, he shall supply bodily fluids or tissues to allow screening for use of such substances; he shall maintain and abide by a contract with the NCPHP; must comply with other conditions.

RUTLEDGE, Robert, MD

Location: Henderson, NV
DOB: 8/27/1951
License #: 0000-29656
Specialty: GS (as reported by physician)
Medical Ed: University of Florida (1978)
Cause: In applying for a medical license in Nevada, Dr Rutledge did not disclose on his application that the North Carolina Medical Board had investigated his practice in 2001 and 2002. On reflection, he acknowledges that information was necessary for the Nevada Board to make an informed decision, though the Court in Washoe County, Nevada, ruled Dr Rutledge did not attempt to mislead the Nevada Board.
Action: 10/19/2005. Consent Order executed: Dr Rutledge is reprimanded; he shall affirmatively reveal the Board's inquiries discussed in this Consent Order in all his applications for a medical license, hospital or health care facility privileges, or participation as a health care provider.

SELLERS, Marc T., Physician Assistant

Location: Andrews, NC (Cherokee Co)
DOB: 6/15/1963
License #: 0001-01580
PA Education: Bowman Gray (1992)
Cause: Mr Sellers has a history of abusing hydrocodone and other substances. In August 2003, he entered into a Consent Order with the Board in which he received a 30-day stayed suspension and agreed to refrain from use of mind- or mood-altering substances and all controlled substances. On 9/02/2004, he was arrested and charged in Cherokee County with Driving While Impaired. Mr Sellers admitted to consuming five beers. He surrendered his PA license on 9/10/2004.
Action: 10/19/2005. Consent Order executed: Mr Sellers' North Carolina PA license is indefinitely suspended.

SILVER, Danny, MD

Location: North Richland Hills, TX
DOB: 10/26/1963
License #: 0095-00723
Specialty: FP/EM (as reported by physician)
Medical Ed: University of North Carolina School of Medicine (1991)
Cause: On 5/17/2005, Dr Silver pled guilty to five counts of misdemeanor failure to pay taxes due and six counts of misdemeanor willful failure to file North Carolina income tax returns.

Action: 10/04/2004. Consent Order executed: Dr Silver is reprimanded.

SZTULMAN, Luciano, MD

Location: Greenville, AL

DOB: 5/6/1959

License #: 0096-00050

Specialty: OBG/GYN (as reported by physician)

Medical Ed: FUABC Medical School, Brazil (1983)

Cause: According to a Consent Order ratified in 2003 by the Rhode Island Board, Dr Sztulman accepted restriction of his hospital privileges and agreed to enroll in a practitioner remediation and enhancement project because the Rhode Island Board found his care for a 29-year-old patient failed to meet minimal standards of care. He failed to recognize a uterine perforation while performing a dilatation and evacuation.

Action: 10/19/2005. Consent Order executed: Dr Sztulman is reprimanded; he shall comply in all respects with the Rhode Island Consent Order, must comply with other conditions.

TIMMONS, Benson Ellison Lane, IV, MD

Location: Gastonia, NC (Gaston Co)

DOB: 11/29/1957

License #: 0000-39341

Specialty: PS/GS (as reported by physician)

Medical Ed: East Carolina University School of Medicine (1985)

Cause: Dr Timmons and his partners at Southeastern Plastic Surgery (SEPS) in Gastonia received sales and marketing materials from Toxin Research International, Inc, promoting Botulinum Neurotoxin Type A (BNTA) as a safe and effective therapy for treatment of wrinkles and they ordered a supply of BNTA. Separate consent forms were prepared and provided to patients of SEPS receiving the TRI product advising them they were to get non-FDA-approved BNTA. The form also included language that BNTA had been "proven safe in clinical trials." Dr Timmons was aware BNTA, the same active ingredient in both the FDA-approved BOTOX and the TRI product, had been proven safe in clinical trials relating to Allergan BOTOX. However, SEPS failed to exercise due diligence in confirming the accuracy of the statement "proven safe in clinical trials" in its consent form, in that it was not known whether TRI had conducted such trials. In January 2005, Dr Timmons and SEPS learned through the media that a problem may have been encountered with non-FDA approved BNTA products in another state and that the FDA was investigating TRI and other makers. SEPS immediately ceased use of the TRI product; it notified all patient who received the TRI product and inquired about any problems encountered as a result of its use. To date, no patients have reported unusual side effects or complications. Dr Timmons and SEPS have fully cooperated with the Board's investigation. Dr Timmons has no prior history of patient complaints with the Board and SEPS provides plastic, reconstructive, and hand surgery services to the underinsured and uninsured in Gaston, Cleveland, Lincoln, and Rutherford Counties. Dr Timmons also has a record of service to underserved areas of western North Carolina and on missions to Haiti and Nicaragua. He has expressed remorse and apologizes for the lack of due diligence in this matter.

Action: 9/23/2005. Consent Order executed: Dr Timmons is reprimanded.

URETZKY, Ira David, MD

Location: Raleigh, NC (Wake Co)

DOB: 10/21/1966

License #: 0099-00706

Specialty: OTO/FPS (as reported by physician)

Medical Ed: George Washington University (1992)

Cause: In November 2004, Dr Uretzky became medical director of Premier Body Laser and Skin Clinics, which offered laser hair removal. Premier gave or sold to its laser hair removal clients a product known as LaserGel Plus 10/10, a cream compounded by Triangle Compounding Pharmacy, consisting of active ingredients lidocaine 10%, tetracaine 10%, and phenylephrine 0.5%, for use as an anesthetic. Federal law prohibits dispensing LaserGel without a prescription. Shortly after

becoming medical director of Premier, Dr Uretzky contacted Triangle Compounding by e-mail, introducing himself and purporting to authorize Triangle to continue supplying Premier with tubes of LaserGel. During his time as medical director, Triangle supplied Premier with 142 tubes of LaserGel. No physician or other authorized prescriber, including Dr Uretzky, took a medical history or performed a physical examination on any of Premier's clients before Premier sold or gave the client a tube or tubes of LaserGel. During his time as medical director, Dr Uretzky failed to take steps to ensure the staff of Premier safely administered LaserGel, properly dispensed LaserGel, and appropriately instructed patients on the safe use and application of LaserGel. Dr Uretzky had originally agreed to take over as medical director of Premier in January 2005 but was pressed into service early on the unanticipated departure of his predecessor as medical director. He intended to review all Premier's policies, protocols, procedures, and forms, but having begun as medical director six weeks before he intended, he did not have the opportunity to do so before he began. He was relying on his predecessor to have Premier was operating in accord with good medical practices and the law. His e-mail to Triangle was in keeping with his predecessor's arrangements. In his first days as medical director, he asked personnel at Premier if there had been any issues with Premier, particularly regarding safety, of which he should be aware and if they had any concerns or questions of him before he took over. He was told there had not been issues of safety and that they had no concerns or questions. As he was taking over, he made several attempts to meet with his predecessor, but the two never met. He began to review Premier's policies, protocols, procedures, and forms before he learned any client of Premier's had had any problems. When he first learned of a potential problem with LaserGel, he directed a number of changes in Premier's operations. By the end of December 2004, he directed Premier not use any anesthetic at all. He cooperated fully with the Board in its investigation of this matter. 9/08/2005. Consent Order executed: Dr Uretzky's North Carolina medical license is indefinitely suspended beginning 10/01/2005; suspension will be stayed as of 3/31/2006; the Notice of Charges and Allegations issued against Dr Uretzky on 4/13/2005 is dismissed; Dr Uretzky shall not serve as medical director of any enterprise providing laser hair removal; must comply with other conditions; no provision of the Consent Order shall constitute an admission for any purpose other than for the relevant proceeding before the North Carolina Medical Board and shall not be admissible in or be made part of any proceeding outside the North Carolina Medical Board.

Action:

WARD, Amy Elizabeth, MD

Location: Winston-Salem, NC (Forsyth Co)

DOB: 9/19/1969

License #: 0096-00833

Specialty: AI/PD (as reported by physician)

Medical Ed: Bowman Gray School of Medicine (1995)

Cause: On several occasions in late 2004 and early 2005, Dr Ward was observed by colleagues to be in an impaired state during working hours. She was observed falling asleep while attending a patient, spending long periods in the restroom, slurring her speech, and being lethargic. At least once, one of her coworkers saw a used "butterfly" syringe and spattered blood in the office restroom just after Dr Ward exited the restroom. Dr Ward was in inpatient substance abuse treatment for opioid dependence from January to March 2005. She returned to practice on a part-time basis in April 2005, with frequent monitoring by and drug screens conducted by the NCPHP. During the week of 4/11-15/2005, Dr Ward was again seen by her coworkers to be impaired, slurring her speech, and having difficulty walking. On 4/15, her father was contacted to pick her up from the office because she was displaying behavior consistent with intoxication. A syringe was found in her purse. On 4/16, Dr Ward met with a Board investigator and did not deny the allegations. On 4/18, she surrendered her North Carolina medical license.

Action: 10/19/2005. Consent Order executed: Dr Ward's North Carolina medical license is indefinitely suspended.

WESSEL, Richard Frederick, MD

Location: Coinjock, NC (Currituck Co)

DOB: 1/24/1959

License #: 0096-00772

Specialty: C/IM (as reported by physician)
Medical Ed: Eastern Virginia Medical School (1990)
Cause: In 1999, Dr Wessel entered a Consent Order with the Board based on an incident in which he consumed alcohol while on call and attempted to mislead hospital officials who requested a sample of his blood for testing. He was a participant in the NCPHP. From October 2002 through February 2004, on six occasions, Dr Wessel wrote prescriptions for Xanax and hydrocodone for Patient A. He neither examined nor created a medical record for Patient A. The Board requested he submit to a urine screen and, in February 2004, he tested positive for cocaine and hydrocodone. The Board gave him the choice of surrendering his license or having it summarily suspended. He surrendered his license on 4/14/2004.
Action: 10/19/2005. Consent Order executed: Dr Wessel's North Carolina medical license is indefinitely suspended.

YAO, Zhenhai, MD

Location: Chapel Hill, NC (Orange Co)
DOB: 7/17/1963
License #: 2001-00203
Specialty: AN (as reported by physician)
Medical Ed: Sun Yat-Sen University, China (1987)
Cause: In August 2002, the U.S. PHS entered into a Voluntary Exclusion Agreement with Dr Yao and the University of North Carolina. In the agreement, the U.S. PHS and UNC found Dr Yao had engaged in scientific misconduct in animal research funded by the National Heart, Lung, and Blood Institute of the NIH. Dr Yao reports the U.S. PHS found 10 graphs in a grant application he and his team at UNC submitted had errors. As a result, Dr Yao, as principle investigator of the grant application, agreed to be excluded from and not seek federal research grants for five years. Dr Yao also reports the grant application was neither relevant to medical practice nor a clinical study involving patients. Experiments were to be in a laboratory using rats.
Action: 10/19/2005. Consent Order executed: Dr Yao is reprimanded.

MISCELLANEOUS ACTIONS

NONE

DENIALS OF RECONSIDERATION/MODIFICATION

NONE

DENIALS OF LICENSE/APPROVAL

ANSARI, Tawfiq Sahib, MD

Location: Durham, NC (Durham Co)
DOB: 8/01/1932
License #: NA
Specialty: FP (as reported by physician)
Medical Ed: University of Baghdad, Iraq (1956)
Cause: Dr Ansari made false statements or representations to the Board or willfully concealed material information from the Board in connection with the license application. Specifically, Dr Ansari answered "no" to the question on the application asking if his privileges had ever been limited, suspended, or placed on probation at any hospital. In fact, Dr Ansari's privileges were suspended or limited between September and December 2004.
Action: 10/05/2005. Letter issued denying Dr Ansari's application for a North Carolina license.

DAUTO, Ralph, MD

Location: Vineland, NJ
DOB: 3/31/1956
License #: NA
Specialty: R (as reported by physician)
Medical Ed: Georgetown University School of Medicine (1984)

Cause: Dr Dauito failed to satisfy the Board of his qualifications for a medical license. He had his license in New Jersey acted against by the New Jersey Board, entering a Consent Order in which he was reprimanded, received a two-year stayed suspension, was required to take an ethics course, and was fined. He admitted to inappropriate treatment and/or diagnosis of a patient. The medical boards of Florida, West Virginia, and Pennsylvania mirrored the actions taken by New Jersey.

Action: 9/06/2005. Letter issued denying Dr Dauito's application for a North Carolina medical license.

SOLAN, Gwen Emily, MD

Location: Beaufort, NC (Carteret Co)
DOB: 6/25/1958
License #: 0094-00399
Specialty: GP/FP (as reported by physician)
Medical Ed: George Washington University School of Medicine and Health Sciences (1985)
Cause: The Board found Dr Solan was unable to practice medicine with reasonable skill and safety by reason of illness, excessive use of drugs, chemicals, or other material, or by reason of any physical or mental abnormality. It further acted for reasons set forth in her Consent Order of 10/16/2003.

Action: 10/13/2005. Letter issued denying Dr Solan's application for reinstatement of her North Carolina medical license.

SURRENDERS

GARDNER, James Eric, MD

Location: Pinehurst, NC (Moore Co)
DOB: 9/18/1970
License #: 2002-00116
Specialty: VS/GS (as reported by physician)
Medical Ed: University of Tennessee (1996)
Action: 9/21/2005. Voluntary surrender of North Carolina medical license.

COURT APPEALS/STAYS

NONE

CONSENT ORDERS LIFTED

CHALMERS, Thomas Henry, MD

Location: Asheville, NC (Buncombe Co)
DOB: 5/09/1956
License #: 0093-00436
Specialty: AN (as reported by physician)
Medical Ed: Medical University of Florida (1983)
Action: 9/08/2005. Order issued lifting the Consent Order of 10/19/1003.

MANN, John Robert, MD

Location: Dunn, NC (Harnett Co)
DOB: 2/09/1947
License #: 0000-20417
Specialty: FP (as reported by physician)
Medical Ed: Medical University of South Carolina (1974)
Action: 9/08/2005. Order issued lifting the Consent Orders of 8/10/1994 and 5/18/1995.

TEMPORARY/DATED LICENSES:

ISSUED, EXTENDED, EXPIRED, OR REPLACED BY FULL LICENSES

AARONS, Mark Gold, MD

Location: Southern Pines, NC (Moore Co)
DOB: 5/07/1958

License #: 0000-31233
Specialty: NEP/IM (as reported by physician)
Medical Ed: Baylor College of Medicine (1984)
Action: 9/22/2005. Temporary/dated license extended to expire 3/31/2006.

CARLSON, James Lennart, MD

Location: Cerro Gordo, NC (Columbus Co)
DOB: 11/20/1959
License #: 2002-00010
Specialty: FP (as reported by physician)
Medical Ed: Medical College of Wisconsin (1991)
Action: 9/22/2005. Temporary/dated license extended to expire 9/30/2006.

CRUMP, Carolyn Faydene, MD

Location: Lexington, NC (Davidson Co)
DOB: 1/27/1950
License #: 2005-01115
Specialty: GP (as reported by physician)
Medical Ed: George Washington University School of Medicine (1976)
Action: 9/22/2005. Temporary/dated license extended to expire 3/31/2006.

KOMJATHY, Steven Ferenc, MD

Location: Lenexa, KS
DOB: 5/19/1964
License #: 0097-01440
Specialty: IM/GPM (as reported by physician)
Medical Ed: University of Maryland School of Medicine (1996)
Action: 9/22/2005. Temporary/dated license extended to expire 9/30/2006.

MOIR, Ronald Jeffrey, MD

Location: Charlotte, NC (Mecklenburg Co)
DOB: 12/30/1956
License #: 0000-31176
Specialty: AN/ADDM (as reported by physician)
Medical Ed: East Carolina University School of Medicine (1984)
Action: 9/22/2005. Full and unrestricted medical license issued.

MORTER, Gregory Alan, MD

Location: Wilmington, NC (New Hanover Co)
DOB: 12/31/1959
License #: 0000-36401
Specialty: PD (as reported by physician)
Medical Ed: University of Pittsburgh (1986)
Action: 9/22/2005. Temporary/dated license extended to expire 3/31/2006.

NGUYEN, Tuong Dai, MD

Location: Waxhaw, NC (Mecklenburg Co)
DOB: 4/11/1967
License #: 2000-00566
Specialty: IM (as reported by physician)
Medical Ed: Temple University School of Medicine (1996)
Action: 9/22/2005. Temporary/dated license extended to expire 5/31/2006.

ROSNER, Michael John, MD

Location: Hendersonville, NC (Henderson Co)
DOB: 12/04/1946

License #: 0000-26865
Specialty: NS/NCC (as reported by physician)
Medical Ed: Virginia Commonwealth University School of Medicine (1972)
Action: 9/22/2005. Temporary/dated license extended to expire 9/30/2006.

WHITE, Steven William, Physician Assistant

Location: Cameron, NC (Harnett Co)
DOB: 12/19/1962
License #: 0001-02116
PA Education: Midwestern University (1996)
Action: 9/22/2005. Temporary/dated license extended to expire 3/31/2006.

REENTRY AGREEMENTS

MORAN, Harriet Jane, MD

Location: Wilmington, NC (New Hanover Co)
DOB: 7/03/1952
License #: 0000-39043
Specialty: END/IM (as reported by physician)
Medical Ed: Medical University of South Carolina College of Medicine (1984)
Cause: Dr Moran has not practiced clinical medicine since 1996.
Action: 10/27/2005. Reentry Agreement and Order executed: Dr Moran is issued a full and unrestricted license to practice medicine; she shall arrange to have a physician colleague acceptable to the Board observe her practice for the first six months following her resumption of practice; she shall have that physician send the Board a letter within 30 days after the end of the six-month period in which he or she shall describe in detail the nature of the observations made and stating an opinion as the level of Dr Moran's clinical skill.

PELTZER, Sonia Rapaport, MD

Location: Newton, NC (Catawba Co)
DOB: 3/28/1962
License #: 0094-01297
Specialty: FP (as reported by physician)
Medical Ed: University of Virginia School of Medicine (1991)
Cause: On application for a medical license. Dr Peltzer has not practiced actively in North Carolina since November 1997, though she has maintained her CME and occasionally saw patients and performed consultation work from 1997 to December 2003. At her request, in January 2004, her license was made inactive-retired. She recognizes the need for a program of reentry to ensure her safe transition back into practice.
Action: 9/30/2005. Reentry Agreement and Order executed: Dr Peltzer is issued a full and unrestricted license to practice medicine; she shall work part-time as a family practitioner in the outpatient clinics of Catawba Valley Medical Center in Hickory and Denver; her practice shall be observed by Dana L. Chambers, MD, director of the clinics and he shall serve as a mentor and advisor to Dr Peltzer; she shall meet with Dr Chambers bi-weekly to review her cases from the past two weeks; after six months, Dr Peltzer shall provide the Board a letter from Dr Chambers detailing Dr Chambers' observations of Dr Peltzer's practice and giving an assessment of Dr Peltzer's fund of knowledge, clinical skills, and other information as to whether Dr Peltzer is safe to practice medicine; Dr Peltzer shall not modify the reentry program without prior approval by the Board president; she must comply with other conditions.

DISMISSALS

NESLEN, George Quayle, Jr, MD

Location: Sylva, NC (Jackson Co)
DOB: 1/19/1945
License #: 0000-24090

Specialty: OS (as reported by physician)
Medical Ed: George Washington University (1974)
Cause: Motion by Dr Neslen to dismiss charges against him related to CME requirements. As shown in attached documentation, the CME requirements had been satisfied prior to 12/21/2004, though approximately 13 hours were not reported to the Board, for which he is regretful.
Action: 10/19/2005. Order issued dismissing any and all charges currently pending against Dr Neslen without prejudice.