

## **Legal Issues;**

Dallas Tx

Licensee

1/10/2012 Public Letter of Concern because Texas Medical Board had put her on inactive status due to depression, NC license inactivated until able to resume practice

Licensee

2/27/12 Failed to properly complete the application for licensure form.

New Bern NC

Licensee

2/8/2012 Consent Order; Fined \$5,000, 12-month suspension immediately stayed due to concerns that his office was involved in Money Laundering, Medicare Fraud and Billing for unqualified personnel doing services, double-billing. Dr. Nunn failed to supervise correct billing, denies personal responsibility but the practice was fined \$700,00 and \$297,000 restitution

Seattle WA

Licensee

2/24/12; Indefinite Suspension of Resident Training License; murdered adult & child

Licensee

Princeton WV

3/28/12 Application denied; failed to disclose prior DUI and Reckless driving convictions

Roanoke Rapids NC

Licensee

3/27/12; Consent Order/6 month suspension all but 30 days stayed. Applied to become a member review committee choosing North Carolina Medical Board (NCMB) members but lied on her application forms to be on committee

Charlotte NC

Licensee

10/2008 Order of Discipline/Ordered to Repay/Indefinite Suspension; Found to have rec'd BCBS Pmt \$170K not made out to him he deposited and refused to return it to BCBS/had spent it all. Also 24 counts fraudulent prescriptions and felony convictions 10/2011; License Revocation due to failure to comply with above, hearing scheduled; never showed for hearing  
3/26/2012; Entry of Revocation

Saint Simmons Island GA

Licensee

3/20/12; Indefinite Suspension. Was prescribing then selling drugs on the street illegally

Statesville NC

Licensee

3/20/12; Public Letter of Concern; Poor judgment with addicts/advised to take 2-phase course on comprehensive assessment of drug seekers, given Xanax #120 tab 3 Rx's to pt all on same day, Rx filled that day, pharmacist notified NCMB.

Winston-Salem NC

Licensee

3/8/12 NCPHP advocates for resident training license, must remain under NCPHP contract and pay \$500 fee

Physician had failed to disclose prior health issues on application for licensure

4/30/14 Consent Order/Public Letter of Concern for not telling the NCPHP that she had been hospitalized for a serious medical condition

Rochester NY

Licensee

3/1/12 Public Letter of Concern \$1000 fine and Public Letter; had falsified application, neglecting to disclose involvement in 6 malpractice suits

Raleigh NC

Licensee

2008 license suspended after a gunfight with police while kidnapping his son

4/23/12 Revocation of license

Roanoke Rapids NC

Licensee

4/2012 Public Letter of Concern due to her wearing a lab coat indicating PA-Certified prior to becoming Certified License denied

8/8/12; Public Letter of Concern advised to read the rules for PA's

Winston-Salem

Licensee

4/9/12 Public Letter of Concern and \$1,000 fine for failure to renew license

Augusta ME

Licensee

3/2012 NCMB found that the Maine Medical Board had revoked his license 2' to Possession of child pornography

5/29/12 Notice of Revocation completed

Elmwood Park NJ

Licensee

5/25/12 License under 24 month probation in NY, applied for NC License which was denied

Manistee MI

Licensee

5/24/12 Public Letter of Concern, \$500 fine due to improper completion of licensure application

Susquehanna PA

Licensee

5/17/12 Voluntary surrender of license after insurance fraud in 2006.

Matchez MS

Licensee

Had been under investigation from several state boards 2' to Fentanyl addiction, another state had indefinitely suspended his license

5/17/12 Non-Disciplinary Consent Order 2' to falsifying application and referral to North Carolina Physician's Health Plan for impaired providers (NCPHP)

Charlotte NC

Licensee

5/10/12 Public Letter of Concern when physician left TN he didn't give adequate notice to his patients that he was leaving and made error on his application for licensure but was not fined for it.

Raleigh NC

Licensee

5/10/12 License is inactive

Harrisburg PA

Licensee

5/2/12 \$1000 fine, Public letter of concern due to licensure application neglecting to mention 4 malpractice suits

Folly Beach SC

Licensee

6/26/12 Indefinite suspension 2' to having been suspended in KY

Monroe NC

Licensee

6/22/12 Public Letter of Concern after defrauding Medicaid for \$750K

Greensboro

Licensee

10/2010 Brought to board due to "having issues"

9/2011 Temporary License

5/2012 Full unrestricted license

6/14/2012 Full relief of consent order

Anchorage AK

Licensee

6/4/12 Public Letter of Concern Re; Did not admit on license renewal application misdemeanor driving conviction 2006, failure to disclose 11/2010 substance abuse and dependency evaluation in AK by AK referral

Asheville NC

Licensee

6/4/12 Consent Order Indefinite Suspension due to having heard a customer from out of state requesting an Oxycodone Rx from the pharmacy, pharmacist refused. Dr. Plemmons wrote the Rx without having examined the patient or having had a prior professional relationship with the patient while standing in the pharmacy.

Casper WY

Licensee

10/2009 Consent Order 1 yr suspension/all but 1 month stayed;  
He was working in telemedicine and engaged in fee-splitting while prescribing controlled substances without performing a physical exam, no longer allowed to prescribe Schedule II & III until end of probationary period unless he's in the Skilled Nursing Facility/Nursing Home (SNF) or Emergency Department (ED) and within 6 months take a CME on prescribing controlled substances and provide proof within 30d of taking the CME class, shall attend medical records course and obey all laws and periodic urine testing

7/23/2012 Relief of Obligations

Asheville NC

Licensee

2/6/11 involved in an incident in which he shoved another shopper in Sam's Club market, witnessed by spouse "B", shoving "A" in front of their 3 small children who were present. "A" was in the aisle as Dr. Sunderhaus and spouse walked down the aisle, then Dr. S pushed "A", "B" confronted Dr. S who told them that they needed to "go back to their own country" and then made an obscene 1 finger gesture at the couple.

6/1/11 Dr. S refused to reply to NCMB investigator

6/3/11 Dr. S. sent NCMB a letter stating among other things; "I am not an Arab and can touch Muslims with my L hand, I wipe with my R hand!" Two NCMB investigators attempted to interview Dr. S. in a follow up to the letter to the NCMB. Dr. S. Replied that this was none of the NCMB's business and told the investigators to leave him alone, that the NCMB was a "bunch of horses asses". Dr. S. engaged in conversations and correspondence with NCMB members and staff that contained obscenities etc.

7/3/12 Indefinite Suspension; Fact of Law after hearing; "Dr. S. conduct constitutes immoral or dishonorable conduct, lack of initial response constitutes failure to respond within a reasonable time and in a reasonable manner determined by the NCMB, his communication to the NCMB and staff is unprofessional conduct". Was given 60 days to wind down his practice, must provide notice to patients, staff etc, may not apply for re-licensure for 1 year, prior to any consideration must complete CPEP Pro-BE course, undergo a neurologic assessment by a physician approved by the NCMB, an MRI and audiologic testing and NeuroPsychiatric assessment by Dr. Mark Hill.

**\*\*\*Seriously??!! Very Harsh treatment! He was not “politically correct”; this may be a reflection of his age and generation. No problems with the practice of medicine are listed at all!**

Cullman AL

Licensee

9/2010 Marital difficulties

5/18/11 Arrested in Winston-Salem for assault on wife, threats, breaking and entering when confronting estranged wife and her male friend outside of her apt.

Civil judge ordered prayer in his orders

Acquitted on assault charges

4/2012 Consent Order; given NCPHP contract & indefinite probation

8/29/12 Relief of consent order

Salisbury NC

Licensee

8/17/12 Consent order/reprimand, \$1000 fine for failure to declare prior DUI on licensure application, mandated to CME on Professionalism

Spartanburg SC

Licensee

8/17/12 Consent Order/Reprimand with conditions on license for failure to supervise midlevels. She practiced medicine at On-Site health in Spartanburg. She supervised a midlevel who provided care for patients in both NC & SC although Dr. Czuba provided supervision inadequately and across state lines at times. At times the midlevels inappropriately prescribed controlled substances without documentation of justification, must take CME on record keeping, proper utilization of templates and EMR within 6 months

2/2013 Relief of obligations

Bristol TN

Licensee

8/16/12 Reprimand with conditions on licensure-no other data available.

8/14/12

Roxboro NC

Licensee

8/14/12 Public of Concern and Reprimand

September through December 2011 Closed his practice. Left a prescription pad with signed prescriptions for his nursing staff to use to refill patient prescriptions in his absence until the patients found a new physician.

Matthews NC

Licensee

8/8/12 Public Letter of Concern

While completing her application, did report a 5/2006 arrest for resisting arrest in

Greenville NC, in 7/2010 reported intoxication. She was referred to NCPHP for assessment, which tested (+) for Marijuana and PCP which denied use of to the NCPHP. 7/2012 appeared before subcommittee, admitted to marijuana use, is under a 3 year monitoring contract with the NCPHP.  
1/2013 Amendment

Greenville NC

Licensee

2010 Agrees to relinquish pharmacy license of SC after prescribing for self for a pre-existing condition, referred to NCPHP

8/1/2012 Public Letter of Concern was given and was given a Resident Training License.

Norton VA

Gayle Southworth Vest MD

VAMB gave her reprimand due to her treatment of a patient below standards.

2007 Patient "A", a high-risk OB patient with pre-eclampsia was admitted 6/15/07, delivered 6/20/07, fetal distress was not appreciated to be in fetal distress, baby was born with brain damage, died 1/12/08 of complications.

Provider had been on call for 14 consecutive days and delivered 53 babies during that period of time when your partners were unavailable.

9/24/12 Public Letter of Concern by NCMB due to above.

West End NC

Licensee

9/19/12 Amended Consent Order/conditions on license

Waxhaw

Licensee

Whistle-blower

7/2012 US Court sentences provider for insurance fraud, restitution of \$81K, 2 years probation, in-house arrest X 6 months, however he's the whistle blower on his employers and did not profit directly from the fraud.

9/18/12 Revocation of licensure due to insurance fraud

3/1/13; Suspension of license for 13 months

**\*\*\*Why was a whistle-blower who tried to do the right thing punished so severely?**

Concord NC

Licensee

9/14/12 Surrender of license; chose to retire

Westminster MD

Licensee

9/6/12 answered question on application wrong, Public Letter of Concern and \$1000 fine

Towson MD

Licensee

10/4/12 Consent Order/Reprimand, \$2000 fine omitted declaring malpractice issue on his application; involved in 4 malpractice cases

#### Chesapeake VA

Licensee

10/4/12 Consent Order/Reprimand following Virginia Medical Board actions 12/2010 and 3/2011 had action taken by VAMB while serving as Medical Director with Skin Renaissance allowed nurse to assess, develop treatment plans and inject dermal filler, Botox, Juvederm and Aradiase and provide follow up care to such patients.

3/2011 and thereafter was co-medical director providing verbal and telephonic orders to the nurse

VAMB restricted providers license

#### Shelby NC

Licensee

11/9/12 Temporary License issued

#### Kahului HI

Licensee

5/2012 filling non-controlled medications over the internet without examining patients.

11/14/12 Consent Order/Indefinite suspension by NCMB.

#### Griffin GA

Licensee

12/2011 License inactive status due to inadequate CME 2011. She had to re-apply for licensure but failed to correctly answer the question regarding Continuing Medical Education hours (CME's), was re-instated with \$1,500 fine and reprimand 12/20/12 Consent Order/Reprimand

#### Philadelphia PA

Licensee

12/3/12 Letter of Concern due to past substance abuse issues

NCMB received information Re; NCMB Consent Order/voluntarily surrendered license 2' to substance issues which were successfully treated, 5/2007 NJ license restored Pennsylvania Medical Board (PAMB) took reciprocal action for NJ's actions with 5 yr probation

8/2012 PAMB termination of probation

**\*\*\* Didn't do anything wrong in NC yet got a letter**

#### Atlanta GA

Licensee

1/23/13 Public Letter of Concern; did not disclose that he had been investigated in GA after he had paid a fine there of \$5K and mandated CME class on eye surgery complications

Pinehurst NC

Licensee

1/23/13 Was given a public Letter of Concern given 1/2012 and 1/2013 regarding not having a signed statement from his on-premises supervisor.

Steamboat Springs CO

Licensee

10/2010 Provider had a Motor Vehicle Accident while towing a boat with a truck, he fled the scene on foot when police arrived.

11/1/10 He was arrested for unauthorized use of a motor vehicle and larceny, incarcerated after also taking the boat from his neighbor, was charged with theft and breaking and entering

11/3/2010 Surrenders license

8/2011 Convicted of misdemeanor, was given a suspended sentence and placed on suspension.

10/25/12 NCMB issues charges against him

1/11/13 Hearing in front of NCMB; was not present at hearing, does not testify at hearing, is reprimanded for the above-described conduct but apparently did not request licensure reinstatement, has inactive Oregon license and an Australian license

4/4/14 NC Licensure revoked.

**\*\*\*Very light discipline is given when he appears in front of the Board instead of accepting a consent order from their legal department!**

Milford DE

Licensee

12/27/09 does not renew NC license

6/2010 While in Delaware, the DEMB motions for emergency suspension of license due to failure to appropriately prescribe/dispense controlled substances, he failed to appropriately document care of patients, he had bizarre behavior including biting his hands and fingers, verbal abuse of patients and pharmacists, physical abuse of patient 6/9/10 resulting in his arrest, and arrest and unlawful imprisonment of a patient in the 2<sup>nd</sup> and 3<sup>rd</sup> degree

11/1/11 Public hearing in DE

11/28/11 DEMB enters order indefinitely suspending license and ordering full psychiatric evaluation

1/11/13 NCMB Hearing Scheduled; does not show or send counsel

**\*\*\* Where was NCPHP or Delaware equivalent?**

Whiteville

Licensee

1/11/13 Public Letter of concern; website documents won't open

High Pont NC

Licensee



7/15/09 appeared at “interview for licensure”, concern expressed by committee that application had two incorrect answers; 1 involved hospital privilege limitation explanation was that when provider left ED employment to go into private family medicine hospital bylaws required surrender of ICU privileges, he requested and subsequently had them restored with the exception that intubation was only permitted in an emergency setting. The other question involved prior board investigations, which was answered in the negative. He received a “Private letter of guidance” in 2005 from the Florida Board of Osteopathic Medical Examiners (FBOME) to release a patient’s chart to her spouse without her knowledge immediately prior to HIPPA enactment; he didn’t recognize this as a formal investigation as no discipline was required, no statement by provider was requested etc. It took several days and attempts to contact the FBOME to determine if this was or was not an investigation, this was a very confusing situation. Three attorneys in the interview felt it was not a formal investigation, Board Chairman George Saunders demanded that the provider accept a PRIVATE Letter of Concern, instead he was given a PUBLIC letter of concern

1/14/2013 Signed Non-Practice Agreement (NPA) due to cultural issues and Asperger’s Syndrome to be given treatment at Acumen

1/2013 refused to sign consent order for 2 year suspension/stayed, NPA not vacated. Provides evidence of innocence on charges to NCMB Legal Department .

9/12/14 Despite numerous procedural violations including allowance of remote testimony despite objection/under appeal, physician was found guilty of unprofessional conduct by departure from acceptable prevailing medical practice or ethics, honesty, justice, good morals due to comments made to patients and staff in front of patients and to assisting patients into position on exam table with chaperone, assisting patients with chaperone in disrobing at patients request and providing incorrect answer(s) to licensure renewal forms and hospital privilege application form and for having a disability, Asperger’s disorder that accounted for the above behaviors and his safety to practice as verified by 3 independent professionals that he was directed to by the NCMB he is indefinitely suspended/immediately stayed

**\*\*\*No reason to be out of work after clearance by NCPHP & Acumen, NCMB Atty’s refuse to charge or release despite having evidence of innocence provided [9/13/13](#).**

Rutherfordton NC

Licensee

1992 Licensed

3/2010 He was employed by a medical practice that had been owned by a non-licensed employer of a pain clinic.

4/2010 He purchased the clinic from the corporate entity. He would remove the labels from vials of testosterone and re-sell the vials to his patients, authorized testosterone Rx’s for his former patients from the pain clinic without maintaining adequate records, didn’t examine patients, was not trained as a urologist, did not appropriately address medical issues, did not test PSA levels, medication doses were difficult to determine, poor records were kept

9/27/10 Consent Order 6 months suspension, retroactive to 1/1/10 and re-entry agreement stipulating that he must work at a NCMB-approved location with mentor etc.

9/2011 Consent Order for all of the above  
10/2012 Surrenders License due to not being in compliance with the 9/27/10 Consent Order  
2/27/13 Consent Order Indefinite suspension since he was to enter into a re-entry agreement and only practice in settings approved by the NCMB

Woodlawn NC

Licensee

9/2012 Virginia Medical Board (VAMB) gives Consent Order for Reprimand for pre-signed multiple blank prescriptions to be used in a SNF to be used in an emergency only.

2/21/13 Reprimand from NCMB reciprocity to VAMB

**\*\*\*Should all have consistent treatment discipline for pre-signed Rx pads, some licensees get reprimands, others Public Letters, others suspensions**

Hickory NC

Licensee

2/21/13

3/3/09 Public Letter of Concern due to leaving the scene of a reportable accident in Catawba County, 7/24/08 which reflects poorly on the licensee

2/9/12 Privileges to practice at Viewmont Surgery Center indefinitely suspended due to conduct toward an employee unprofessional and detrimental to the quality of care in the facility. Provider attempted to vandalize the car of the employee.

2/2012 NCPHP referral/contract given with compliance

2/21/13 Consent Order; 90-day suspension, not stayed.

**\*\*\*Leaving scene of accident is now a Board issue?**

Woodlawn VA

Licensee

2/20/13 Consent Order for NCMB Reprimand due to...

6/4/12 VAMB had Consent Order for pre-signed prescriptions in a SNF

Winston-Salem NC

Licensee

9/28/11 Provider notified NCMB that he had been arrested, was given NCPHP appt. and contract

10/4/11 Inactivated his license

2/15/12 Plead guilty to 1 count of indecent exposure, resolving all criminal charges after completion of several weeks of inpatient treatment and continues outpatient treatment

2/2012 Indefinite suspension

2/6/13 Given Temporary license

7/2013 Renewal of license

Wilson NC

Licensee

3/8/13 Voluntarily surrendered license

Mooresville NC

Licensee

Licensed 1982

Physician at Roberson Health Center (RHCC)

1/3/12 Suspended from clinical responsibilities, placed on administrative duty to complete her 1,000 delinquent charts

2/6/12 after completion of charts, restored to full duty

2/22/12 given 1-month notice of termination due to poor completion of chart, she then resigned immediately leaving 97 incomplete charts

2/27/12 RHCC sent certified letter to complete the records

4/12/12 Admitted to NCMB investigator that she had failed to complete records, responded that the records are laborious and she didn't appreciate being treated like a criminal, that she would complete records by 4/30/12 but she made no attempt to do so.

3/15/13 Consent Order; Indefinite suspension.

Atlanta GA

Licensee

4/29/13 Public Letter of Concern \$1,500 fine due to dishonest answer on application for licensure due to probation during training and misdemeanor DUI, advised to be more accurate in the future.

Clayton NC

Licensee

4/18/13 Public Letter of Concern Reciprocal to VA

6/10/11 falsified medical History and Physical exam (H&P) of Patient "A" who was scheduled for surgery by using copy/paste of Electronic Medical Record (EMR) and fabricated cardiac and pulmonary exam while in VA, admitted to VAMB that two other patients were falsified during residency which placed provider on probation during residency, psych evaluation then recommended return to resident status, that he knew it was wrong to have done what he did.

Mt. Pleasant SC

Licensee

4/16/13 Consent Order for Non-Disciplinary Public Letter of Concern/\$3K fine due to not correctly answering questions on his application.

Chicago IL

Licensee

4/3/13 Denied license due to question about "use of illegal drugs, alcohol (EtOH), been told you have a mental health condition, charged or convicted with a misdemeanor", answered "no" but to NCPHP answered "yes", entitled to formal Board hearing.

Chesapeake VA

Licensee

11/28/11 pleaded guilty to filing false claims or using false statements Re; health care matters in VA, sentenced to 6 months home confinement, 3 years supervised probation and ordered to repay \$48K in restitution. She had been in the USN as a Commander for 30+ years. The Navy (USN) had concern Re; fraudulent marriage 1/2006. Her spouse obtained health care benefits. Her sexual orientation previously investigated by the USN, which began steps to take a divorce, finalized 11/2010.

4/3/13 Denial of License. Failed to satisfy NCMB due to conviction of a felony.

7/9/13 Received full unrestricted license with Reprimand, \$5K fine

**\*\*\*Why was this person who was legally married subjected to these travesties?**

Peoria AZ

Licensee

4/2/13 Consent Order; Reprimand

Also holds WV license, NC license since 2002

5/21/12 entered a Consent Order with WVMB allowing license to expire based on his failure to properly supervise mid-level provider, to personally evaluate and supervise prescribing of controlled substances and ensure that records met the proper standard of care. Must periodically meet with NCMB

Huntersville NC

Licensee

12/2011-10/2012 Complaints of substandard care, inappropriate prescribing of controlled substances, non-evidence based treatment of obesity with HCG, inappropriate self-referrals, fraudulent over-utilization of medical testing, fraudulent medical billing.

Patient "A" over the course of 3 years would bill the insurance company for many visits, labs etc. which are not reflected in the chart; 38 visits billed but no documentation that visit occurred, 12 instances of billing for diagnostic testing but no evidence in the chart Patient "B" was a 38 yo female who presented 3/2012 with cough; numerous tests were done.

5/17/12 appt. for RF of meds, billed >\$1K for allergy testing that was not reflected in the chart

Patient "C" 62 yo F, managed since 3/2005, in the course of treating her, he provided substandard care in several areas, including prescribing Metformin who had documented liver damage but had no evidence of DM, continuing narcotic prescriptions despite her preference to stop narcotics, listing DM as a diagnostic code although it was never addressed in her charts.

Patient "D" 44 yo presented 8/2012 initial visit billed for level 3 visit although documentation only supported level 1 visit, subsequently billed for 4 units of Toradol, 10/12/12, prescribed Phentermine despite evidence of abuse/diversion, 12/21/12 billed for Echocardiogram despite lack of medical necessity for the test.

9/24/12 Patient "E" 45 female with obesity given HCG and B12 injections with Rx for phentermine despite BMI of 22.8

Patient "F" 52 male with DM/Htn/Lipid was billed for numerous visits and tests that were either not indicated or no indication that they were ever done

Grandforks ND

Licensee

5/24/13 Voluntarily surrendered license, no other data available.

5/29/13 Consent Order, 12 month suspension, stayed except for 6 months with \$25K fine within 60 days of consent order

Evans GA

Licensee

2008-2009 worked on an internet company reviewing patient records, rules of GAMB do not permit this, so he was investigated

9/13/12 given a Consent Order/Reprimand by GAMB and required completion of a mini-residency on appropriate prescribing of controlled substances and 20 hours of CME on Ethics and \$5K fine

5/16/13 NCMB Consent Order/Reprimand for issues in GA

Lancaster CA

Licensee

6/28/13 Revocation of license reciprocally with CA and other states after insurance fraud

6/26/13

Martinsville VA

Licensee

6/26/13 Public Letter of Concern

\$1K fine and request for no more supervision of midlevels in NC. Provider who practices in Martinsville VA was supervising two PA's in NC who did not have documents in compliance with NCMB requirements and inadequate chart documentation. The PA's were using prescription pads with the names of numerous other physicians, but not your name, address etc. as required by the NCMB. The NCMB recognizes your decision to no longer supervise PA's in NC.

Rocky Mount NC

Licensee

6/20/13 Voluntary surrender of license

Southern Pines NC

Licensee

6/19/13

Hendersonville NC

Licensee

4/2008 Arrested for felony embezzlement of funds from East Hendersonville Football and Cheerleading, charged with misappropriating \$20K in funds, pled guilty to misdemeanor larceny, required to reimburse all funds

8/2008 unintentionally aided and abetted unlicensed practice of medicine by working for Esthetic Medical, which was not owned by a physician and was not a licensed facility

(unknown to him). Panel found that he had poor overall decisions in complex medical procedures, failed to document exams.

7/17/09 Consent Order 6 month suspension stayed all but 45 days.

12/2010 Concerns regarding treatment of chronic pain patients with controlled substances; entered an agreement with the NCMB to stop treating chronic pain patients. Was confined to prescribing up to a 30 day supply up to 12/31/10 but no further prescribing after 12/31/10. Attempted to conceal violation of this order by back-dating prescriptions

3/22/11 NCMB was notified that he continued to treat his chronic pain patients beyond the 12/31/10 agreement

3/24/11 Voluntary surrender of license

11/2011 Consent Order for indefinite suspension

6/12/2013 Denial letter due to prior disciplinary history and due to forging the former practice owner's letter sent to an organization in an attempt to obtain services for a family member. Is entitled to a formal hearing if requested.

Monroe NC

Licensee

6/11/13 Relief of Consent Order

10/2011 Consent Order Suspended license for 18 months/immediately stayed, within 90 days will pay \$85K fine to the NCMB **(so you've ripped off the insurance companies, now give the money to the NCMB?!)**

Orthopedic surgeon and pain mgmt. who began offering plasma disc decompression (PDD) procedure. He practices with Chason Spender Hayes MD Orthopedics & Neil Goldberger MD an anesthesiologist. PDD is a minimally invasive disc procedure. If Dr. Goldberger obtains a (+) result from a discogram, one of the other physicians performs the PDD. The PDD wand vaporizes disc tissue, which allows decompression, 77% of the tissue is removed during the process. Once the disc is decompressed, other discs may also be treated. Patients "A-G" are all MVA patients represented by personal injury attorneys who have also had the PDD procedure done. NCMB concludes that the PDD falls below the standard of care since discogram's with positive results are invalid due to lack of controls being used at other levels. In the orthopedic community another physician performs the diagnostic discogram, not having the operating surgeon do both the diagnostic and therapeutic procedure. Patients "A-G" had no spinal structural abnormalities to justify the procedure, nor was there a clinical presentation suggesting the need for disc decompression with diagnosis such as cervical whiplash/strain and myofascial pain which are all non-surgical complaints. Patients "A-G" also had disc disease, but the other patients who had the procedure did not have surgical spine issues.

**\*\*\*Commits insurance fraud and instead of restitution to the defrauded, is ordered to pay money to the NCMB?**

(linked to above case)

Charlotte NC

Licensee

6/11/13 Relief of Consent Order

10/20/11 Consent Order suspended license for 18 months, immediately stayed with \$85K fine payable to the NCMB within 90 days.

\*\*\*

6/10/13

Charlotte NC

Licensee

6/10/13 Consent Order for relief of obligation

10/20/11 Consent Order for suspended license for 18 months and \$85K fine payable within 90 days to the NCMB

\*\*\*

Chesapeake VA

Licensee

6/10/13 Consent Order Public Letter of Concern on his application for licensure

1996 as a resident substance abuse issues

2001 due to 1996 incident had a conviction for DUI/manslaughter, received 10 yrs probation, 350 hours of community service, electronically monitored house arrest, treatment for EtOH abuse and anger mgmt.

Augusta KY

Licensee

6/5/13 Denial of license after 3/2013 interview due to numerous errors and omissions in application for licensure, you were given \$2K fine then but you allowed your employee to identify herself as being you during phone calls from the NCMB to your office in KY.

Roanoke TX

Licensee

6/3/13 Reciprocal to Texas MB Consent Order prohibiting conscious sedation in the office

11/2011 Consent Order in Texas from TXMB requiring 6 hours of CME on physician-physician communication and record keeping and \$7K fine and pass a medical jurisprudence exam.

Sailsbury NC

Licensee

7/31/13 Consent Order Voluntary Surrender of NC License 8/1/13

Greenville SC

Licensee

7/31/13 Non-disciplinary Consent Order to maintain compliance with NCPHP

Has licenses in WV/SC/NC

Referred to NCPHP to have forensic professional fitness to practice, was then referred to Acumen with Diagnosis of medical condition which could affect his ability to practice, NCPHP reports full compliance with all recommendations.

Houston TX

Licensee

12/2012 TXMB ordered temporary suspension for improperly supervising and monitoring pain clinics

3/2013 NVMB Summary Suspension

7/29/13 NC Consent Order Indefinite Suspension

Lillington NC

Licensee

7/16/13 Consent Order for Reprimand

Licensed since 1973, reduced his practice when he started teaching at Campbell University of Law, continued to treat patients for about 11 years until 7/2013 despite having allowed his NCMB license to expire, continued to prescribe controlled substances etc. with an active DEA # but no state license

**\*\*\*very light sentence practices 11 years without a license! NCMB Incompetence!!**

Elizabeth City NC

Licensee

7/1/13 Reprimand

MedMal settlement by patient "A"

Portsmouth VA

Licensee

8/29/13 Voluntary Surrender of License

Mount Airy NC

Licensee

8/29/13 Reciprocal Reprimand from VAMB

Licensed in 2007, also VA license, all of these issues happened in VA

Early 2011; Maintained pre-signed Rx's in a SNF that were undated

4/18/11 Order for Lortab from a PA, a member of the nursing staff obtained the pre-signed Rx, filled in the Rx and had the Rx filled.

6/6/12 Reprimand in VA

8/29/13 Reprimand

Monroe NC

Licensee

8/14/13 Voluntary Surrender of License

Charlotte NC

Licensee

8/6/13 Public Letter of Concern and \$2K fine regarding incorrect answer on misdemeanor conviction related to DUI in 2007 Boulder CO with possession of marijuana and drug paraphernalia



Marietta GA

Licensee

8/1/13 Reprimand by NCMB reciprocally to GA MB

2/7/13 GA MB Consent Order requiring Ethics CME and \$6K fine

3/1/08-3/31/11 Chao represented that he was a physician while responding to on-line marketing surveys, but not while providing medical care

Greensboro NC

Licensee

2/5/13 passed the PA National Certification Exam and applied for NC license

2/28/13 responded to inquiry from NCMB requesting description of job duties, she understood this to mean her future job duties. The NCMB wanted to know her current job duties and did an investigation, which revealed that she may have done some of the duties of a licensed PA. She further told the investigator that her supervisor would usually see the patients after she had evaluated the patient. She had listed her name as "PA" and wore lab coat with the same when she was not yet able to do so legally.

9/20/13 Consent Order \$1K fine and given license.

Boone NC

Licensee

8/15/07 Consent Order for 18 month suspension, all but 1 month stayed and placed on probation, due to failure to notify his OB patients of his lost of staff privileges

7/19/09 Consent Order for 6 month suspension unstayed, regarding pre-signed prescriptions for use by Juan Carlos Devirgiliis MD to prescribe controlled substances to patients during a time that he did not have a valid DEA license, he needed to contact the NCMB any time he prescribed a controlled substance

10/12/12 NCMB review of charts from patients of Dr. Fann who provided group therapy for patients with abuse issues. Inadequate records were kept, visits were billed to the insurance companies with inflated codes billed to the insurance companies. Billing was felt to be fraudulent. Dr. Fann had also been prescribing controlled substances in violation of his prior consent order. In 2012 the DEA restored his privileges so he began prescribing without NCMB permission while under contract with the NCMB, prescribing Buprenorphine and other controlled substances without notification of the NCMB.

9/18/13 Consent Order Indefinite Suspension

Licensee

Licensed 1984

2005 lost DEA for Schedule II, III, IV

2008 MedMal pmt made, but no mention of Public Letter Re; this.

2009 Began practicing with Benjamin Fann who had a full DEA license

Employed an RNP who had a unrestricted DEA as her from 2007-2009, is the sole owner of Total Health Integrated in Boone employing Dr. Fann & the RNP, treating patients for pain and chronic pain-related issues

~1/2009 he would examine and treat patients using schedule II, III , IV substances by using pre-signed Rx's by Dr. Fann and give in-office IV controlled substances. The RNP

also prescribed controlled medications to the patients. He violated GS 21NCAC32-b by attempting to circumvent DEA regulations with the pre-signed prescriptions.

6/24/11 Consent Order; Indefinite Suspension, shall make application for re-instatement no sooner than 1 year from the date of suspension.

7/28/11 Consent Order; temporary custodian of Medical Records. Practice given to the hospital.

**\*\*\*What happened to him? In three years he's not practiced, is he another licensee who has not been treated properly by the Legal Dept. without the Board member's knowledge?**

Raleigh NC

Licensee

3/16/2007 Consent Order due to VAMB suspension Requesting re-entry, had been reprimanded in 5/2002 by MDMB and told to take an ethics course

4/2003 Consent Agreement with Massachusetts based on MDMB action

2/2005 MA issued order of default revoking his ability to renew his MA license

4/2005 VA issued consent order to suspend license 2' to MA action on license

7/2005 VAMB reinstated his license with conditions

11/2006 Met with panel of NCMB seeking program of re-entry, which found that Dr. Orlowsky would let him work with him for 200 clinical hours and he had to comply with consent order allowing re-entry.

3/2007 Consent Order for Reprimand

9/17/13 Public Letter of Concern, \$1K administrative fee due to improperly failing to disclose prior problems in other states.

Williamsburg VA

Licensee

9/6/13 Voluntary surrender of license; no further information available.

Lexington NC

Licensee

9/5/113 Voluntary Surrender of NP Approval without further information available.

\*\*\*\*\*

Pre-2012

Licensee

Inactive License

11/2009 Filed fabricated complaints with Forsythe Sheriff's Office that you were receiving threatening notes from a prior relationship, arrested for false reports and carrying a concealed weapon, charged by FSO, Pleaded guilty 6/2007

5/7/10 Consent Order for Indefinite License suspension; would need to apply for new license.

2011 Public Letter of Concern Re; Above

**\*\*\*Why give a PLOC to an indefinitely suspended provider**

Licensee

9/29/2008 son lived with licensee in CA, both were arrested with 120 marijuana plants growing inside the house they were living in. The CA MB entered into a stipulated settlement and disciplinary order, reprimanded and required his completion of an ethics course.

11/2010 Consent Order for Reprimand by NCMB

Licensee

New Bern NC

Early 1990's had been under contract with NCPHP

6/8/08 Charged in Pitt County with stalking and impairment on prescription drugs

12/15/11 Pled guilty to reckless driving, sentenced to \$250 fine and 32 community svc hours

3/30/12 during patient visit had eyes closed, slurred speech per anonymous complaint to the NCMB and closed his practice early @ 1330 after admitting that the night before had 2 cocktails, Ambien, Hydrocodone, then Nuvigil, Cymbalta, BP Medication, Testosterone and various supplements that morning

9/14/12 Patient "A" requested her records which she did not receive in a timely manner, licensee was instructed to provide records within 3 weeks.

6/4/12; NCPHP assessment which recommended 4d comprehensive assessment @ Farley Center which he did, they recommended entry into residential treatment and NCPHP contract which he declined.

6/12/12 Voluntary surrender of license after making false statements on his annual renewal Re; reckless driving in Craven County NC regarding above incidents where he answered "no" on renewal form.

10/5/12 Patient "B" requested records, then complained but licensee proved to the NCMB that he had provided records in a timely manner.

10/1/2013 Consent Order; Indefinite suspension

**\*\*\*Why did it take almost a year and a half for him to get a consent order for indefinite suspension? Why could he have not been told that he needs NCPHP contract and compliance to avoid further charges?**

Licensee

9/25/13 NPA, 9/26/13 DEA surrendered

Licensee

4/25/13 Charges from patients about not receiving medical records in a timely manner

10/18/13 voluntary surrender of license

5/9/14 Indefinite suspension

Licensee

10/28/13 Indefinite suspension of license  
2/14/13 License renewal; failed to disclose prior criminal charges, specifically;  
2/14/13 DUI  
1/13/13 & 2/4/12 DUI  
3/21/12 Assault on wife/arrested  
1/26/10 Assault on wife/arrested

Licensee

education at COM

3/2007 License indefinitely suspended, referred to NCPHP due to multiple domestic issues with ex-wife, no prior problems before divorce had a hearing 3/2007, not allowed to return to work.

**\*\*\*Never returned to work, one of the lost...**

Licensee

Greensboro NC

1/2001-6/2003 Dr. Bray treated patient "A", an employee of his practice.

1/2002 began an intimate and sexual relationship with patient "A" lasting until 7/2003.

7/2003 assaulted patient "A" in his office, a warrant for his arrest was issued for his conduct, he was charged with assault on a female, receiving a "prayer" for judgement.

4/2002-3/2003 treated patient "B", husband of patient "A"

7/2003 patient "B" discovered the relationship between his wife and Dr. Bray

8/2003 Dr. Bray unlawfully damaged patient "B"'s property by shooting out a tire of "B"'s truck with a rifle for which he was arrested, again receiving a "prayer" for judgment.

1/2004 NCMB ordered NCPHP evaluation and compliance, but in 1/2003 NCPHP had already evaluated Dr. Bray and had ordered him to have an assessment done at Professional Renewal Center

9/2004 evaluation was completed, resulting in a determination that he was depressed and unfit to practice, he was suspended for 18 months and stayed subject to conditions including a NCPHP approved therapist and return to Professional Renewal Center for a repeat evaluation in 3/2005 and must complete CME course at Vanderbilt Re; boundaries no later than 11/2005

11/2006 Suspended due to

4/2007 Consent Order;

11/2008; incorrect answer to question related to any crime, false answer "no", 4/13/2008 had been arrested and served a warrant for arrest due to simple assault for an incident of 4/11/08. He had been previously disciplined by the NCMB. 11/8/04 18 month suspension due to boundary violation and criminal arrests, received another 18 month suspension/stayed for mis-handling controlled substances which a patient had returned to him.

1/18/08 hearing on a notice of charges & allegations Re; violation of his amended consent order of 4/2007, he was suspended for 30 more days, not allowed to prescribe controlled substances. Conclusion of law, false statements were made on his application. Cannot return for at least 1 year, must enter into 5 year contract NCPHP which was signed 12/2009.

12/2009 appealed via hearing to return to work; denied  
**\*\*\*Another lost soul...**

Licensee

Hendersonville NC

Psychiatrist

2004 patient "A" was involved in a MVA during which she lost one of her arms. As a result of the original injury, the arm had been re-attached without function and requiring chronic pain medications with considerable ongoing neuropathic pain.

2005 Consent Order; Reprimand that Dr. Lowe is not allowed to prescribe Suboxone, must take CME's on medical record keeping

12/2008 patient presented with depression, post-traumatic stress disorder and suicidal ideation. Dr. Lowe prescribed Xanax, Prestique, Seroquel, Oxycontin, Oxymorphone, while continuing opiate therapy from the patient's previous physician. Dr. Lowe did not pursue aggressively signs of substance abuse. She called in RF's in an overlapping fashion exacerbating patient's substance abuse, she did not use any controlled medication contracts nor the NC Controlled Substances reporting system. Patient "A" was "doctor-shopping" and "pharmacy-shopping".

**\*\*\*Unclear if there was anything improper in this patient.**

Licensee

FP Winston-Salem

Had done some dermatology cosmetic injections. She used advertising that was misleading in terms of her dermatology training; she is actually an FP. She had been dishonest with the NCMB investigator by denying giving Perlane & Restylane, then later admitted to doing so.

2/2005 Consent Order; Suspended for 2 years beginning 4/2005 stayed all but 60d, then random audits of billing records, will not advertise that she is Board Certified unless it states that she is only certified in Family Medicine and will undergo a NCPHP assessment and comply with all of their recommendations.

5/2009 Consent Order; Stating that she had advertised in the Yellow Pages that she was a Board-Certified Dermatologist at Carolina Laser and Cosmetic Center where she is an employee, Dr. Treen employed and provided training to her. Dr. White reported that Dr. Treen provided services at her practice.

**\*\*\*Why is the NCMB involved in billing issues?**

Licensee

FP/EM

10/2003 arrested in VA by US Park Police for DUI/reckless driving/failure to stop, pled guilty to reckless driving, other charges dismissed, fined \$300 and placed on probation (his 2<sup>nd</sup> DUI)

1/2005 Consent Order; Reprimand after being arrested/convicted for 1998 DUI

**\*\*\*Only a reprimand for DUI? Where was the NCPHP? Where did he spend months in treatment and why was he not kept out of work for several years like the others have been?**

Licensee

OB-GYN Roanoke Rapids NC

Has Hx of substance abuse, lead him to voluntary surrender of license in 2003, in closing his practice he did not give his patients sufficient advanced notice of the closing and how to get their records.

1/2005 Consent Order; suspended indefinitely

11/2006 Consent Order; returns to work

**\*\*\*So in 2003 he goes to treatment for substance abuse, in 2005 he is indefinitely suspended for not notifying his patients in a timely manner after he'd been immediately pulled out of practice???? He gets an indefinite suspension for this?**

Licensee

Greenville NC DOB 1936/elderly ?Bar Grievance

2003-2004 Prescribed controlled substances to four patients who were her friends or children of neighbors who were her friends. Documentation was not made, nor was her supervising physician notified. She also post-dated a Rx for Percocet and issued RF's for schedule III controlled substances. She had also been prescribed Phentermine for her own use by 2 healthcare providers with whom she worked, 5 times she called in RF's for herself that were not authorized by the prescriber.

6/2005 Consent Order; Termination of license. Must re-apply for approval and the NCMB may consider these matters in the future.

**\*\*\*She's permanently terminated, loses her license for failure to document and for self-prescribing Phentermine for self-use. No NCPHP, no CME for documentation, she's disposable?**

Licensee

Raleigh NC ~40 yo

Pled "no contest" to a misdemeanor charge of uttering a forged Rx in 9/2001, received a 3 year sentence of probation, on completion of the probationary period, the court set-aside the conviction, allowing a plea of "not-guilty", dismissing the original complaint. NC gave her a reprimand while she was living in NC at the time..

**\*\*\*Very light treatment**

Licensee

11/2005 Consent Order for indefinite suspension with Nursing Board to surrender license and complete a course on ethics and legal decision-making based on allegations of instances of prescribing without having a supervising physician and without approval to practice by the two boards.

Attempted to return to practice several times unsuccessfully.

**\*\*\*Why the harsh treatment?**

Licensee

3/5/14 Indefinite suspension of license due to failure to have assessment done by NCPHP for TBI after MVA with evidence of inability to practice medicine safely 2'to TBI.

12/13/13

Licensee  
Staughton MA  
12/13/13

Non-disciplinary consent order

Issued a license after evaluation by and signing contract with NCPHP due to the fact that she takes medication for ADHD.

**\*\*\*What about her HIPPA rights for nondisclosure of psychiatric illness???**

<http://www.hhs.gov/ocr/privacy/hipaa/news/2002/combinedregtext02.pdf> appears to mandate a separate authorization for mental health conditions. HIPAA violations to \$50,000/violations with an annual maximum of \$1.5 million per [http://www.ama-assn.org/ama/pub/physician-resources/solutions-managing-your-practice/coding-billing-insurance/hipaahealth-insurance-portability-accountability-act/hipaa-violations-enforcement.page?](http://www.ama-assn.org/ama/pub/physician-resources/solutions-managing-your-practice/coding-billing-insurance/hipaahealth-insurance-portability-accountability-act/hipaa-violations-enforcement.page)

1/2/14

Licensee  
Washington NC

Consent Order/Reprimand for inadequate supervision of mid-levels with \$2K fine while working for Carolina Locum Resources.

**\*\*\*He got off easy.**

1/16/14

Licensee  
Chevy Chase MD

Revocation of license after conviction in US Federal court for felony trafficking of controlled substances

2/20/14

Licensee  
Elizabethtown NC

2/20/14 Consent Order & Public Non-Practice agreement

Assaulted his wife, ended up with NCPHP contract then had (+) Pot urine test

4/20/14 Dissolution of public non-practice agreement

**\*\*\*How much did this cost and/or who did he know to make this happen? He should have been out of practice for a few years!!!**

2/24/14

Licensee  
Orlando FL

Consent Order/Public Letter of Concern

Reciprocal action to FL action due to he and his partner exchanging pre-signed Rx's for him to get his Adderall Rx's for his ADD

**\*\*\*Why does NC need to get involved in this?**

2/26/14

Licensee  
Charlotte NC  
Consent Order/Public Order of Concern for not keeping up with PA supervision documents

2/26/14  
Licensee  
Cerro Gordo NC  
Consent Order/Public Letter of Concern reciprocal to Consent Order with DC Board 2' to billing practices, record keeping, management & supervision of mid-levels.

2/28/14  
Licensee  
Tryon NC  
Voluntary surrender of license; no other information available.

4/16/14  
Licensee  
Grundy VA  
Denial of licensure due to multiple perjuries on application involving substance abuse and other issues from multiple other state medical licensing boards.

4/15/14  
Licensee  
Milton FL  
Consent Order/Reprimand/Reciprocal action to FL for problems he had in FL with weight loss clinic in Pensacola involving reprimand, prohibition from prescribing controlled substances for weight loss, ethics course, administrative fines & costs

4/9/14  
Licensee  
Consent Order/Public Letter of Concern  
Licensure granted but NCMB felt he did not adequately reveal problems resulting in a Washington Quality Assurance Commission issue Re; events at a SNF where he was medical director.

5/27/14  
Licensee  
Maiden NC  
Consent Order/Public Letter of Concern Re; inadequate supervision of midlevels in Hendersonville, Mt. Airy, Asheboro & Denvery NC while located in Charlotte and working for a physician who practices in TN  
**\*\*\*This is exceedingly light disciplinary action for what has happened in the past**

6/25/14



Licensee

Winston-Salem

Consent Order/indefinite suspension 2' to multiple counts of indecent exposure. Is under NCPHP contract.

**\*\*\*What does the treating institution say? Often there is no advocacy from the NCPHP, folks can be suspended for prolonged periods despite being cleared to return to practice by the treating facility and the NCPHP won't do anything to get the practitioner active again.**

6/16/14

Licensee

Houston TX

Consent Order/Public Letter with license due to having problems with OB in TX, may practice in NC but has the record of prior problems in TX on her NC license.

6/10/14

Licensee

Clinton NC

Non-disciplinary consent order

Issued license in NC after having had problems in WV which she failed to complete the required CME courses in the time prescribed by the WVMB but is given a NC license.

7/14/14

Licensee

Wilmington NC

Consent Order/Public Letter of Concern for working for a company that was not owned by a licensed physician, having substandard care by an "expert" of the NCMB and ordered to take remedial CME on weight loss and medical records

**\*\*\*I find this law antiquated, that one cannot work for a business not owned by a physician. In this day and age of ACO's and the insanity of MCO's and our environment in general it seems excessively punitive to physicians who are trying to maintain gainful employment.**

8/21/14

Licensee

Raleigh NC Internal Medicine

Consent Order/Reprimand/Mandated CME

Prescribing methadone for opiate maintenance without the credentials to do so.

8/21/14

Licensee

Columbia SC

Consent Order/inactivated license

Had been making bizaare comments/behavior as an ED Locum Physician, was ordered to have evaluation @ Acumen. Chose to inactive license instead.

8/13/14

Licensee

Pinehurst

Public Letter of Concern

Behavioral issues @ FirstHealth Moore Regional Hospital regarding difficulties in getting along with coworkers that seemed to improve after a boundary course

8/5/14

Licensee

Amended Consent Order

RTL reinstated after he was soliciting 14 yo for sex and busted by Cumberland County Sheriff's office and now under NCPHP contract.

9/24/14

Licensee

Consent Order/Surrender of license

Did not comply with NCMB order to not write for schedule II, III medications

9/9/14

Licensee

Jacksonville NC

Amended consent order; previously had only been allowed to do disability evaluations, now may have a license without that restriction but may only prescribe schedule IV, V drugs

10/24/14

Licensee

Smithfield NC

2<sup>nd</sup> Amended Consent Order

Removal of paragraph 3 of original order

11/26/14

Licensee

Monroe NC

Summary suspension of license for repeatedly sexually assaulting/molesting a minor who is related to him, now at large and being sought by law enforcement.

11/12/14

Licensee

Little Rock AR

Consent Order/Public Letter

Sanctioned by AK for falsifying reporting of CME, fined in AK and must complete the missing 5.5 hours of CME and had a reprimand from AK.

11/4/14

Licensee

Fayetteville NC

Consent Order/Public Letter of Concern for failure to notify practice/patients that you were permanently leaving the country while employed in a group practice.

Documentation for 8 patients were not completed.

**\*\*\*This isn't exactly patient abandonment**

11/3/14

Licensee

Hickory NC

Voluntary surrender of license—no reason given.