BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re: Daniel Edwin Wise, M.D., Respondent. CONSENT ORDER

This matter is before the North Carolina Medical Board (hereafter "Board") on information regarding Wise, M.D. (hereafter "Dr. Wise"). Dr. Wise admits, and the Board finds and concludes, that:

Whereas the Board is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted it in Article 1 of Chapter 90 of the North Carolina General Statutes, and

Whereas, on or about March 25, 1972, the Board first issued a license to practice medicine and surgery to Dr. Wise, license number 17813, and

Whereas, during the times relevant herein, Dr. Wise practiced medicine in Charlotte, North Carolina, and

Whereas, on multiple occasions, Dr. Wise prescribed controlled substances to Patient A, a co-worker, and

Whereas, Dr. Wise provided medical treatment to Patient A for several years, and
Whereas, Dr. Wise knew that Patient A suffered from a number of diagnosed conditions including severe back and abdominal pain for which other practitioners had prescribed controlled substances, and

Whereas, while documentation of a physical examination or a patient chart could not be produced for this patient, Dr. Wise reports that he did maintain a patient chart for Patient A, but that he did not secure transfer of this patient chart when he transitioned into private practice at around the time of these events, and

Whereas, Dr. Wise reports that he also discussed Patient A’s condition and his prescriptions with her treating physicians, but acknowledges that he did not document these discussions, and

Whereas, Dr. Wise concedes that he did not record and document all prescriptions he authorized for Patient A, and

Whereas Dr. Wise also prescribed controlled substances to Patient A’s spouse, Patient B, and

Whereas, Dr. Wise indicates that he had provided treatment to or ordered testing for Patient B since 1992 and, as a result of this long-standing physician-patient relationship, was familiar with his general medical condition, and

Whereas, in 2008 Patient B was involved in a motor vehicle accident from which he suffered fractured ribs and for which the Emergency Department prescribed him a controlled substance, and
Whereas Dr. Wise authorized two additional prescriptions for the controlled substance that was initially prescribed to Patient B as a result of the motor vehicle accident without first examining Patient B, and without documenting the prescriptions in any patient chart, and

Whereas Dr. Wise requested that his nurse practitioner write prescriptions for controlled substances to him and a family member, and

Whereas Dr. Wise’s nurse practitioner authorized these prescriptions to Dr. Wise without documenting the prescriptions or maintaining a patient chart on Dr. Wise, and

Whereas, the prescriptions provided to Dr. Wise were for a diagnosed medical condition for which he had received treatment and testing and the prescriptions were a continuation of the medical treatment previously provided to Dr. Wise by other physicians, and

Whereas in the situation involving Dr. Wise’s family member, the nurse practitioner authorized prescriptions for Dr. Wise’s family member without examining the family member and without documenting the prescriptions or maintaining any patient chart for the family member, and

Whereas by requesting that his nurse practitioner write prescriptions for himself and a family member, Dr. Wise engaged in a form of self-prescribing and prescribing to a person with whom he has a significant emotional relationship, and such acts are in
derivation of the ethics of the profession because the nurse practitioner is a supervisee of Dr. Wise, and

Whereas, Dr. Wise's conduct, as described above, constitutes unprofessional conduct, including, but not limited to, departure from, or the failure to conform to, the standards of acceptable and prevailing medical practice, or the ethics of the medical profession, irrespective of whether or not a patient is injured thereby, within the meaning of N.C. Gen. Stat. § 90-14(a)(6), and grounds exist under that section of the North Carolina General Statutes for the Board to annul, suspend, revoke, or limit Dr. Wise's license to practice medicine issued by the Board or to deny any future application he might make, and

Whereas, there is no evidence of any harm to any of the individuals noted in this Consent Order, and,

Whereas, in his 38 years of medical practice, Dr. Wise has never been the subject of discipline by this Board, and

Whereas the Board has determined that it is in the public interest to resolve this case as set forth below;

Now, therefore, with Dr. Wise's consent, it is ORDERED that:

1. Dr. Wise's North Carolina medical license be and hereby is REPRIMANDED for the above-described conduct.

2. Dr. Wise shall obey all laws. Likewise, he shall obey all rules and regulations involving the practice of medicine.

3. Dr. Wise shall notify the Board in writing of any change
in his residence or practice addresses within ten (10) days of the change.

4. Dr. Wise shall meet with the Board or members of the Board for an informal interview at such times as requested by the Board.

5. If Dr. Wise fails to comply with any of the terms of this Consent Order, that failure shall constitute unprofessional conduct within the meaning of N.C. Gen. Stat. § 90-14(a)(6) and shall be grounds, after any required notice and hearing, for the Board to annul, suspend, or revoke his license to practice medicine and surgery and to deny any application he might make in the future or then have pending for a license.

6. This Consent Order shall take effect immediately upon its execution by both Dr. Wise and the Board, and it shall continue in effect until specifically ordered otherwise by the Board.

7. Dr. Wise hereby waives any requirement under law or rule that this Consent Order be served on him.

8. Upon execution by Dr. Wise and the Board, this Consent Order shall become a public record within the meaning of Chapter 132 of the North Carolina General Statutes and shall be subject to public inspection and dissemination pursuant to the provisions thereof. Additionally, it will be reported to persons, entities, agencies, and clearinghouses as required by and permitted by law including, but not limited to, the Federation of State Medical
Boards, the National Practitioner's Data Bank, and the Healthcare Integrity and Protection Data Bank.

This the 27th day of April, 2010.

NORTH CAROLINA MEDICAL BOARD

By: ____________________________
    Donald E. Jablonski, D.O.
    President

Consented to this the 21st day of April, 2010.

_____________________________________________________
    Daniel Edwin Wise, M.D.

State of _______

County of _______

I, _______ Lisa L. Reardin ________, a Notary Public for the above named County and State, do hereby certify that Daniel Edwin Wise, M.D., personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal

This the 20th day of April, 2010.

_____________________________________________________
    Notary Public

My Commission Expires: August 2, 2013

Consent Order – Daniel Edwin Wise, M.D.  Page 6 of 6