

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:)
)
Sampson Emanuel Harrell, M.D.,) CONSENT ORDER
)
Respondent.)

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

STATUTORY AUTHORITY

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 the rules and regulations promulgated thereto.

FINDINGS OF FACT

Dr. Harrell was first licensed as a physician by the Board on June 15, 1972, license number 17981.

Dr. Harrell is a family medicine physician who was employed one-day per week by Adapted Integrated Methods Health Services ("AIM"), an outpatient substance abuse and mental health clinic in Durham, North Carolina. AIM provides Suboxone®/Subutex

opioid treatment, treatment for alcohol and other drug dependence, and mental health treatment programs.

On September 16, 2013, the Board obtained information that Dr. Harrell had pre-signed written prescriptions for Suboxone® (buprenorphine) to be provided by a registered nurse that was also employed at AIM when Dr. Harrell was not at AIM. These prescriptions were dated according to the patients' visits to the clinic and signed by Dr. Harrell.

The Board further learned that it was Dr. Harrell's policy to see his patients for an initial examination and to then have a registered nurse examine and assess the patients in follow-up visits.

The Board submitted medical records produced by Dr. Harrell for independent expert review. The reviewing expert was critical of Dr. Harrell's failure to document physical and mental assessments either initially or in follow-up visits. Similarly, the expert criticized Dr. Harrells' failure to document repeated failed drug screens or to make changes in treatment based on these failed drug screens.

Dr. Harrell contends that he relied upon the Federation of State Medical Boards' Model Policy of DATA 2000 and Treatment of Opioid Addiction in the Medical Office, and Clinical Guidelines published by the United States Department of Health and Human Services suggest that nurses or case managers can assist in

monitoring and documenting patients' progress. However, these documents do not establish the standard of practice in North Carolina nor do they suggest that follow-up assessments and care can be turned over to a registered nurse, even if only to determine the patient's stability. Dr. Harrell also has told the Board that the clinical team at AIM had jointly agreed that they would not necessarily change treatment or discharge patients based solely on failed drug screens.

Since the Board initiated its investigation of this matter, Dr. Harrell has obtained substantial amounts of Continued Medical Education on prescribing controlled substances and medical record documentation, and Dr. Harrell has surrendered his authorization to prescribe Suboxone® to the federal Drug Enforcement Administration.

CONCLUSIONS OF LAW

Dr. Harrell's conduct as described above constitutes unprofessional conduct in that it constitutes a departure from or the failure to conform to the standards of acceptable and prevailing medical practice, or the ethics of the medical profession within the meaning of N.C. Gen. Stat. § 90-14(a)(6), which is grounds for the Board to annul, suspend, revoke, condition, or limit Dr. Harrell's medical license to practice medicine and surgery issued by the Board or to deny any application he might make in the future.

PROCEDURAL STIPULATIONS

Dr. Harrell acknowledges and agrees that the Board has jurisdiction over him and over the subject matter of this case.

Dr. Harrell knowingly waives his right to any hearing and to any judicial review or appeal in this case.

Dr. Harrell acknowledges that he has read and understands this Consent Order and enters into it voluntarily.

Dr. Harrell desires to resolve this matter without the need for more formal proceedings.

The Board has determined that it is in the public interest to resolve this case as set forth below and that there is no need to impose any restriction or limitation on his license.

ORDER

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

1. Dr. Harrell's license to practice medicine is hereby SUSPENDED for SIX (6) MONTHS from the date of this Consent Order, however, such suspension is immediately STAYED.

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

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

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

5. If Dr. Harrell 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, revoke, suspend or limit his license or to deny any application he might then have pending or might make in the future for a license.

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

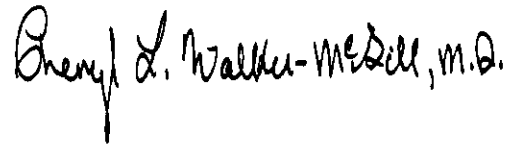
7. This Consent Order shall take effect immediately upon its execution by both Dr. Harrell and the Board, and it shall continue in effect until specifically ordered otherwise by the Board.

8. Upon execution by Dr. Harrell 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 Data Bank and the Healthcare Integrity and Protection Data Bank.

By Order of the North Carolina Medical Board this the 10th day of March, 2015.

NORTH CAROLINA MEDICAL BOARD



By:

Cheryl Walker-McGill, M.D.
President

Consented to this the 6th day of March, 2015.

Sampson Emanuel Harrell, M.D.
Sampson Emanuel Harrell, M.D.

State of North Carolina

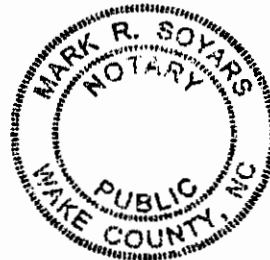
County of Durham

I, Mark R. Soyars, a Notary Public for the above named County and State, do hereby certify that Sampson Emanuel Harrell, 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 6th day of March, 2015.

Mark R. Soyars
Notary Public



(SEAL)

My Commission expires: 4-22-17