

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:)
)
James Alistair Mitchell, M.D.,) CONSENT ORDER
)
Respondent.)

This matter is before the North Carolina Medical Board ("Board") regarding information provided to the Board concerning James Alistair Mitchell, M.D., ("Dr. Mitchell"). Dr. Mitchell makes the following admissions and the Board makes the following findings and conclusions:

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. Mitchell was first issued a medical license by the Board on or about July 23, 2004, license number 2004-00921.

At all times relevant hereto, Dr. Mitchell practiced addiction medicine in Fayetteville, North Carolina.

In December 2015, Dr. Mitchell had a close personal relationship with Person #1, who was diagnosed with chronic pain

and taking prescribed narcotic pain medications in addition to taking narcotics obtained through illegal means. Person #1 was travelling and Dr. Mitchell wanted to prescribe her a narcotic prescription so she would not run out while away from home. Dr. Mitchell wanted to help Person #1 get more narcotic pain medications, but he did not want to prescribe to her directly. Person #1 suggested to Dr. Mitchell that he write a prescription for Person #2, an acquaintance and friend of Person #1, in Person #2's name and divert that prescription back to Person #1. After discussing this with Person #2, Dr. Mitchell wrote (a) a narcotic prescription for Person #2 for his personal use and (b) a narcotic prescription in the name of an individual in Person #2's family that would be diverted back to Person #1.

Dr. Mitchell was then threatened and coerced by Person #2 into writing narcotic controlled substance prescriptions until on or about May 2016, to Person #2 and many of Person #2's acquaintances for no legitimate medical purpose with no medical record. On two occasions, Dr. Mitchell received a cash payment for writing these narcotic controlled substance prescriptions with no legitimate medical purpose. On August 18, 2016, Dr. Mitchell surrendered his controlled substance prescribing privileges.

On September 2, 2016, Dr. Mitchell was charged in Cumberland County, North Carolina with eleven (11) felony counts

of prescribing controlled substances without a legitimate medical purpose and eleven (11) felony counts of conspiring to traffic opium.

On September 8, 2016, Dr. Mitchell voluntarily surrendered his North Carolina medical license.

CONCLUSIONS OF LAW

Dr. Mitchell acknowledges that his conduct, as described herein, constitutes unprofessional conduct within the meaning of N.C. Gen. Stat. § 90-14(a)(6) and grounds exist under this section of the North Carolina General Statutes for the Board to annul, suspend, revoke, condition or limit Dr. Mitchell's license to practice medicine or to deny any application he might make in the future.

PROCEDURAL STIPULATIONS

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

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

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

Dr. Mitchell 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.

ORDER

NOW, THEREFORE, with Dr. Mitchell's consent, it is ORDERED that:

1. Dr. Mitchell's North Carolina medical license is hereby REVOKED.

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

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

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

5. If Dr. Mitchell 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 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. Mitchell and the Board and it shall continue in effect until specifically ordered otherwise by the Board.

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

8. Upon execution by Dr. Mitchell 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 and permitted by law including, but not limited to, the Federation of State Medical Boards and the National Practitioner Data Bank.

By Order of the North Carolina Medical Board this the 17th day of February, 2017.

NORTH CAROLINA MEDICAL BOARD

By: Eleanor E. Greene, MD
Eleanor E. Greene, M.D.
President

Consented to this the 9th day of February, ²⁰¹⁷~~2016~~.

James Alistair Mitchell M.D.
James Alistair Mitchell, M.D.

State of OK

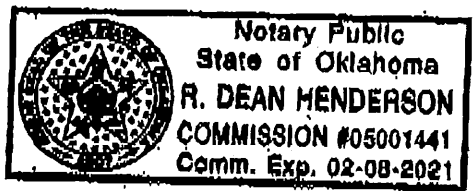
County of TULSA

I, R. DEAN HENDERSON, a Notary Public for the above named County and State, do hereby certify that James Alistair Mitchell, 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 9th day of Feb, 2017.

R. Dean Henderson
Notary Public

(SEAL).



My Commission Expires: 2/8/21