

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:)	
)	
Chad Daniel Howard, M.D.,)	CONSENT ORDER
)	
Respondent.)	

This matter is before the North Carolina Medical Board ("Board") on information regarding Chad Daniel Howard, M.D. ("Dr. Howard"). Dr. Howard 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. Howard was first licensed as a physician by the Board on February 21, 2002, license number 200200125.

During the relevant times herein, Dr. Howard practiced medicine in Monroe, North Carolina.

Dr. Howard is an internal medicine physician who, as part of his practice, treats patients for opioid addiction.

Suboxone® is a controlled substance used to treat opioid addiction. In August 2012, the Board obtained information that one of Dr. Howard's patients may have been selling the drug Suboxone® (buprenorphine) on the street. In response to this information, the medical charts of five patients (Patient A - E) who received Suboxone® prescriptions from Dr. Howard were reviewed.

This review revealed that Dr. Howard's treatment, medical records and overall care provided to Patients A thru E departed or failed to conform to the standard of acceptable and prevailing medical practice in North Carolina.

Dr. Howard failed to document a detailed substance abuse history from his patients. He did not perform urine drug studies or query the North Carolina Controlled Substance Reporting System (NCCSRS) to guard against doctor-shopping. Dr. Howard prescribed the maximum dose of Suboxone® to all patients as the initial dose and failed to individualize therapy to patients based on each patient's unique circumstances and needs.

Prior to initiating Suboxone® therapy, Dr. Howard did not document alternative therapies for the patients' opioid addiction. Other diagnoses are not addressed or treated poorly. In particular, patients who had been diagnosed with anxiety were treated solely with benzodiazepines even if the patient was at high risk for drug abuse and misuse.

After learning of the Board's investigation and being informed of some of the Board's concerns, Dr. Howard made changes to his practice. Dr. Howard has begun performing urine drug testing and querying the NCCSRS to protect against doctor shopping. Dr. Howard also has begun using electronic health records to improve his documentation.

Additionally, Dr. Howard has begun transferring patients on benzodiazepines to other health care practitioners for care.

CONCLUSIONS OF LAW

Dr. Howard's treatment of Patients A through E, as described herein, 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, or the committing of any act contrary to honesty, justice, or good morals, whether the same is committed in the course of the licensee's practice or otherwise 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. Howard'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. Howard acknowledges and agrees that the Board has jurisdiction over him and over the subject matter of this case.

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

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

Dr. Howard 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. Howard's consent, it is ORDERED that:

1. Dr. Howard is hereby REPRIMANDED.
2. Six months after the date of this Consent Order, Dr. Howard shall submit medical records of six patients receiving Suboxone® therapy to the Board for review. The Board will have the records reviewed by an outside reviewer at the Board's choosing. Dr. Howard shall bear the expense of the outside review. Should the Board determine that the medical records and/or care provided to these patients are below the accepted standard of care, then Dr. Howard's privilege to prescribe Suboxone® will be immediately suspended. Should Dr. Howard's privileges to prescribe Suboxone® be suspended, Dr. Howard, upon

written request, will be afforded a hearing to contest the Board's determination that the care and/or medical records were below standards of acceptable and prevailing medical practice. Dr. Howard further agrees that at any such hearing he shall have the burden of proving by a preponderance of the evidence that his medical care and/or documentation was within the appropriate standard of care.

3. Dr. Howard will personally treat all patients in the provision of Suboxone® therapy.

4. Within six (6) months of the date of this Consent Order, Dr. Howard shall complete Category I Continuing Medical Education ("CME") courses in Medical Record Keeping and Controlled Substance Prescribing. The CME courses must be pre-approved by the Board's Medical Director. Dr. Howard shall submit evidence of the completion of CME courses to the Board's Compliance Department within thirty (30) days of completing the courses.

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

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

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

8. If Dr. Howard 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.

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

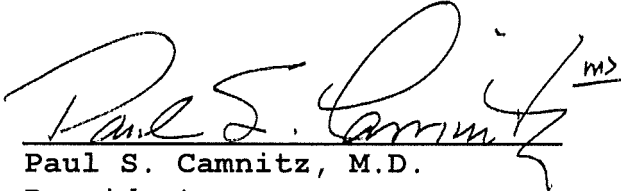
10. This Consent Order shall take effect immediately upon its execution by both Dr. Howard and the Board and it shall continue in effect until specifically ordered otherwise by the Board.

11. Upon execution by Dr. Howard 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 4th
day of November, 2013.

NORTH CAROLINA MEDICAL BOARD

By:


Paul S. Camnitz, M.D.
President

Consented to this the 17 day of October, 2013.

Chad Daniel Howard, M.D.

State of N. Carolina

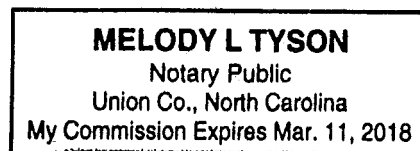
County of Union

I, Melody L. Tyson, a Notary Public for the above named County and State, do hereby certify that Chad Daniel Howard, 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 17 day of October, 2013.

Melody L. Tyson
Notary Public



(SEAL)

My Commission expires: March 11, 2018