

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:)	
)	NOTICE OF CHARGES
Joseph Matthew Palumbo, D.O.,)	AND ALLEGATIONS;
)	NOTICE OF HEARING
Respondent.)	

The North Carolina Medical Board ("Board") hereby prefers the following charges and allegations:

1. 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 to it in Article 1 of Chapter 90 of the North Carolina General Statutes.

2. Respondent, Joseph Matthew Palumbo, D.O. ("Dr. Palumbo"), is a physician licensed by the Board on or about January 14, 2021, license number 2021-00125.

3. During the times relevant herein, Dr. Palumbo acted as the medical director of three intravenous ("IV") vitamin infusion facilities and owner of a *locum tenens* agency in Virginia. Dr. Palumbo also practiced telemedicine throughout the United States.

4. On November 15, 2023, Dr. Palumbo entered into a Consent Order with the Virginia Board of Medicine ("Virginia Board"), in which Dr. Palumbo was assessed a monetary penalty of five thousand dollars (\$5,000.00) and required to provide a statement that he had reviewed and would comply with the Virginia Regulations

Governing the Practice of Medicine, Osteopathic Medicine, Podiatry and Chiropractic, and Virginia Code § 54.1-3303.

5. The basis of the Virginia Board's Consent Order was that in his roles as the medical director of IV vitamin infusion facilities and the owner of a *locum tenens* agency, Dr. Palumbo aided and abetted the unlicensed practice of medicine. Specifically, Dr. Palumbo allowed the following:

- a. Facility staff to perform, outside of his direction, control, and/or supervision and when he was not physically present, discretionary duties requiring the exercise of professional judgment and to administer IV medications outside of his direction and supervision.
- b. Employees to compound medications and immediately administer via IV or intramuscular, without ensuring appropriate training; establishing and implementing procedures for verification of the accuracy of the compounded products; or developing and maintaining written policies and procedures to be followed in compounding of sterile products and for training of personnel.

6. Dr. Palumbo complied with the Virginia Board's Consent Order. On January 19, 2024, the Virginia Board terminated the

terms and conditions placed on Dr. Palumbo's Virginia medical license.

7. Dr. Palumbo's conduct, as described above, constitutes Dr. Palumbo's license to practice medicine being restricted or acted against by the licensing authority of any jurisdiction within the meaning of N.C. Gen. Stat. §90-14(a)(13), which is grounds under this section of the North Carolina General Statutes for the Board to annul, suspend, revoke, condition, or limit Dr. Palumbo's license to practice or to deny any application he might make in the future.

NOTICE TO DR. PALUMBO

Pursuant to N.C. Gen. Stat. § 90-14.2, it is hereby ordered that a hearing on the foregoing Notice of Charges and Allegations will be held before the Board, or a panel thereof, on October 17, 2024, at 8:00 a.m. or as soon thereafter, at the offices of the Board at 3127 Smoketree Court, Raleigh, North Carolina, to continue until completed. The hearing will be held pursuant to N.C. Gen. Stat. § 150B-40, 41, and 42, and N.C. Gen. Stat. § 90-14.2, 14.3, 14.5, 14.6, and 14.7, as well as 21 NCAC 32N .0110 and 21 NCAC 32N .0111. You may appear personally and through counsel, may cross-examine witnesses, and present evidence on your own behalf.

You may, if you desire, file written answers to these charges preferred against you within thirty (30) days after the service of this notice.

Unless otherwise permitted by the Board President and Presiding Officer, all exhibits shall be provided to the Board electronically.

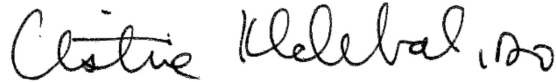
All preliminary motions, including motions for continuances, shall be received at the office of the Board no later than fourteen (14) days prior to the date of the hearing.

Pursuant to N.C. Gen. Stat. § 150B-40(c)(5) and 21 NCAC 32N .0110(c), it is further ordered that the parties shall arrange a pre-hearing conference. A pre-hearing stipulation, if agreed to by the parties, shall be submitted to the undersigned prior to the pre-hearing conference.

The right to be present during the hearing of this case, including any such right conferred or implied by N.C. Gen. Stat. § 150B-40(d) or N.C. Gen. Stat. § 90-14.2(b), shall be deemed waived by a party or his counsel by voluntary absence from the Board's office at a time when it is known that proceedings, including deliberations, are being conducted, or are about to be conducted. In such event, the proceedings, including additional proceedings after the Board has retired to deliberate, may go forward without waiting for the arrival or return of counsel or a party.

This the 13th day of June, 2024.

NORTH CAROLINA MEDICAL BOARD

A handwritten signature in cursive script, reading "Christine Khandelwal, D.O.", written in black ink.

By:

Christine M. Khandelwal, D.O., MHPE
President

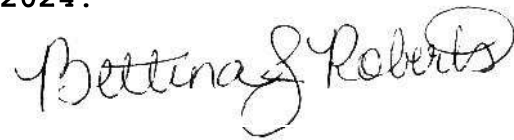
CERTIFICATE OF SERVICE

I, the undersigned attorney for the North Carolina Medical Board, hereby certify that I have served a copy of the foregoing NOTICE OF CHARGES AND ALLEGATIONS; NOTICE OF HEARING on Respondent by depositing a copy with the United States Postal Service, certified mail, return receipt requested and by electronic mail to the following:

Joseph Matthew Palumbo
584 Clinton Lane
Highland Heights, OH 44143

Email: palumbodo@gmail.com

This the 13th day of June, 2024.

A handwritten signature in cursive script that reads "Bettina Roberts". The signature is written in dark ink and is positioned above a horizontal line.

Bettina Roberts
Board Attorney
North Carolina Medical Board
P.O. Box 20007
Raleigh, NC 27619
1.800.253.9653, ext. 279