

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:)
)
Susan Warren Bentley, N.P.,) CONSENT ORDER
)
Respondent.)

This matter is before North Carolina Medical Board (hereinafter "Board") on information that Respondent, Susan Warren Bentley, N.P. (hereinafter "Ms. Bentley") failed to comply with the rules and regulations governing the performance of medical acts, tasks and functions by nurse practitioners.

Whereas the Board issued Ms. Bentley approval to perform medical acts, tasks, and functions as a nurse practitioner on March 18, 2004, approval number 940101, and

Whereas, during the times relevant herein, Ms. Bentley practiced as a nurse practitioner in Huntersville, North Carolina, and,

Whereas, Ms. Bentley was employed by the Jemsek Clinic and her supervising physician was Joseph Gregory Jemsek, M.D. (hereafter, Dr. Jemsek) during the times relevant herein, and

Whereas, in August 2006, Dr. Jemsek was disciplined by the Board based on findings made by the Board that Dr. Jemsek diagnosed

patients with Lyme Disease and treated these patients in manner that departed from acceptable and prevailing standards of medical practice in North Carolina, and that Dr. Jemsek breached these patients' informed consent, and

Whereas, in July 2006, the Board requested that Ms. Bentley provide a copy of her collaborative practice agreement with Dr. Jemsek, and

Whereas, in response to that request, Ms. Bentley provided a copy of a document entitled "2005 Collaborative Practice Agreement for Nurse Practitioners at Jemsek Clinic", and

Where, this document included a notation that it was created on October 24, 2005, and

Whereas, this document was not properly signed or dated by Ms. Bentley or Dr. Jemsek, and

Whereas, one of Dr. Jemsek's nurse practitioners indicated to the Board that when she began work for Dr. Jemsek at the Jemsek Clinic in 2004, "collaborative practice agreements" and "quality improvement meetings", titled as such, were not in place at that time, and

Whereas, 21 NCAC 32M. 0104(a)(3) presently reads that "(a) Prior to the performance of any medical acts, a nurse practitioner

shall: (3) have a collaborative practice agreement with a primary supervising physician;" and

Whereas, 21 NCAC 32M.0110(b) presently reads: "(b) Collaborative Practice Agreement: (1) shall be agreed upon and signed by both the primary supervising physician and the nurse practitioner, and maintained in each practice site;" and

Whereas, prior to August 2004, 21 NCAC 32M.0110(b) referred to the collaborative practice agreement as written protocols, and

Whereas, the practice did maintain some written instructions regarding the treatment of Lyme Disease that were called "protocols"; however, the Board finds that these documents failed to comply with both the spirit and letter of 21 NCAC 32M.0110(b), and

Whereas, Ms. Bentley admits that her failure to have a proper, signed and dated collaborative practice agreement or written protocols, as defined by the Medical Board constitutes a violation of 21 NCAC 32M.0112(a) (1), and grounds exist under that section of the North Carolina Administrative Code for the Board to restrict or terminate Ms. Bentley's approval to perform medical acts, tasks, or functions as a nurse practitioner, or deny any application that Ms. Bentley may make in the future, and

Whereas Ms. Bentley would like to resolve this matter without the need for more formal proceedings, either before the North Carolina Medical Board or the North Carolina Board of Nursing, wherein this resolution was recommended by a Joint Subcommittee of both boards to resolve matters and issues brought to the boards' attention regarding Ms. Bentley's involvement with Dr. Jemsek, and

Whereas Ms. Bentley acknowledges and agrees that the Board is a body duly organized under the laws of North Carolina and is the proper party to have brought this proceeding under the authority granted it in Article 1 of Chapter 90 of the North Carolina General Statutes, and the rules promulgated pursuant thereto, and that the Board has jurisdiction over her and over the subject matter of this case, and

Whereas Ms. Bentley acknowledges she has read and understands this Consent Order and enters into it voluntarily, and

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

Now, therefore, with Ms. Bentley's consent, it is ORDERED that:

1. Ms. Bentley is formally REPRIMANDED for the above described conduct.

2. Ms. Bentley hereby waives any requirement under any law or rule that this Consent Order be served on her.

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

4. The admissions and findings herein are intended solely for the purpose of resolving the case at hand or in connection with other matters before the North Carolina Medical Board or North Carolina Board of Nursing which could presently be brought involving Ms. Bentley.

5. Upon execution by Ms. Bentley 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.

By order of the North Carolina Medical Board this the 23rd
day of May, 2007.

NORTH CAROLINA MEDICAL BOARD

By: *H. Arthur McCulloch*
H. Arthur McCulloch, M.D.
President

Consented to this the _____ day of _____,
2007.

Susan Warren Bentley CRNP
Susan Warren Bentley, N.P.

State of ~~North Carolina~~ ALABAMA
Colbert County

I, *Janet Foster Nelson*, a Notary Public for the above named
County and State, do hereby certify that Susan Warren Bentley,
N.P., personally appeared before me this day and acknowledged the
due execution of the foregoing instrument.

Witness my hand and official seal

This the 15th day of May, 2007.

Janet Foster Nelson
Notary Public

(SEAL)

My Commission expires: 3-6-2011