

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:)
)
Tanya Terese Pusey, N.P.,) CONSENT ORDER
)
Respondent.)

This matter is before North Carolina Medical Board (hereinafter "Board") on information that Respondent, Tanya Terese Pusey, N.P. (hereinafter "Ms. Pusey") 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. Pusey approval to perform medical acts, tasks, and functions as a nurse practitioner on January 24, 2003, approval number 201713, and

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

Whereas, between 2003 and 2005 Ms. Pusey was employed by the Jemsek Clinic and her supervising physician was Joseph Gregory Jemsek, M.D. (hereafter, Dr. Jemsek), and was her supervising physician during all relevant times.

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 a 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. Pusey provide a copy of her collaborative practice agreement with Dr. Jemsek, and

Whereas, in response to this request, Ms. Pusey wrote a letter to the Board stating that "I am including my protocol sheet (collaborative the practice agreement QI were not in place at that time) that was used in my treatment plans during my employment..." and

Whereas, this document was not properly signed or dated by Ms. Pusey or Dr. Jemsek, 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. Pusey 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 violations 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. Pusey's approval to perform medical acts, tasks, or functions as a nurse practitioner, or deny any application that Ms. Pusey may make in the future, and

Whereas Ms. Pusey 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. Pusey's involvement with Dr. Jemsek, and

Whereas Ms. Pusey 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. Pusey 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. Pusey's consent, it is ORDERED that:


1. Ms. Pusey is formally REPRIMANDED for the above described conduct.
2. Ms. Pusey 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. Pusey and the Board, and it shall continue in effect until specifically ordered otherwise by the Board.
4. The admissions and finding contained 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. Pusey.

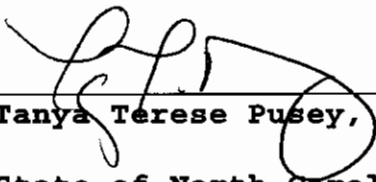
5. Upon execution by Ms. Pusey and the Board, this Consent Order shall become a public record within the meaning of Chapter 132 of the North Carolina General Statutes and shall be subject to public inspection and dissemination pursuant to the provisions thereof. Additionally, it will be reported to persons, 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's Databank, and the Healthcare Integrity and Protection Databank.

By order of the North Carolina Medical Board this the 21st day of May, 2007.

NORTH CAROLINA MEDICAL BOARD

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

Consented to this the 10 day of May, 2007.

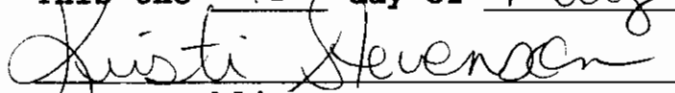


Tanya Terese Pusey, N.P.
State of North Carolina
Wredell County

I, Kristi Stevenson, a Notary Public for the above named County and State, do hereby certify that Tanya Terese Pusey, 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 10th day of May, 2007.



Notary Public

(SEAL)

My Commission expires: 12-8-07