

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:)
)
Michael Kermitt Nunn, D.O.,) CONSENT ORDER
)
Respondent.)

This matter is before the North Carolina Medical Board ("Board") on information regarding Michael Kermitt Nunn, D.O. ("Dr. Nunn"). Dr. Nunn admits, and the Board finds and concludes that:

Whereas 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

Whereas Dr. Nunn is a physician licensed by the Board on or about September 19, 1992, license number 36123; and

Whereas, during the times relevant herein, Dr. Nunn practiced medicine in New Bern, North Carolina; and

Whereas Dr. Nunn owned and operated Michael K. Nunn, PC d/b/a Community Wellness Center ("CWC") which provided healthcare to patients, including veterans, in the New Bern, North Carolina area; and

Whereas, on April 25, 2011, CWC appeared in United States District Court and pled guilty as an organizational defendant to

healthcare fraud and money laundering; and

Whereas the United States Department of Justice alleged in its Criminal Information that from May 2003 to December 2004, CWC developed a scheme to defraud the Medicare and VA Fee-Basis program; and

Whereas the United States Government further alleged that CWC developed a scheme to, among other things, bill for services that were performed by unqualified personnel, bill for services that were not actually performed, and double billing the Veterans Administration for services on the same day to the same patient; and

Whereas Dr. Nunn acknowledges that he has an independent responsibility to ensure correct billing and that for a period of time between 2003 and 2004, he failed to fulfill that responsibility; and

Whereas Dr. Nunn denies any intentional wrongdoing on his part but authorized CWC to plead guilty in a corporate capacity; and

Whereas CWC was ordered to pay a fine of \$700,000 and restitution of \$297,215.00 to the United States Department of Health and Human Services and the United States Department of Veteran Affairs, and CWC was placed on probation for four years; and

Whereas Dr. Nunn acknowledges and admits that his failure to properly oversee CWC in such a manner as to prevent CWC's criminal wrongdoing constitutes unprofessional conduct within the meaning of N.C. Gen. Stat. § 90-14(a)(6) and grounds exist for the Board to suspend, revoke, or limit Dr. Nunn's license or to deny any application he might make in the future; and

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

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

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

Whereas the Board has determined that the facts and circumstances of this case do not warrant or require a restriction or limitation to be placed on Dr. Nunn's license to practice medicine and surgery and that it is in the public interest to resolve this matter as set forth below; and

Whereas Dr. Nunn would like to resolve this matter without the need for more formal proceedings; and

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

1. Dr. Nunn's license to practice medicine and surgery is SUSPENDED for TWELVE (12) MONTHS from the date of this Consent Order, however, such suspension is immediately STAYED.

2. Dr. Nunn shall pay a fine in the amount of five thousand (\$5,000.00) dollars within nine (9) months of the execution of this Consent Order.

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

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

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

6. If Dr. Nunn 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, suspend, revoke, condition or limit his license to practice medicine and surgery and to deny any application he might make in the future or then have pending for a license.

7. This Consent Order shall take effect immediately upon its execution by both Dr. Nunn and the Board and it shall

continue in effect until specifically ordered otherwise by the Board.

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

9. Upon execution by Dr. Nunn 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.

10. If Dr. Nunn 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, suspend, or revoke his license, or to deny any application he might make in the future or then have pending for a license, or to activate the indefinite suspension of his license.

By order of the North Carolina Medical Board this the 14th
day of February, 2012.

NORTH CAROLINA MEDICAL BOARD

By: Ralph C Loomis
Ralph C. Loomis, M.D.
President

Consented to this the 3 day of February, 2012.

Michael Kermitt Nunn D.O.
Michael Kermitt Nunn, D.O.

State of NC

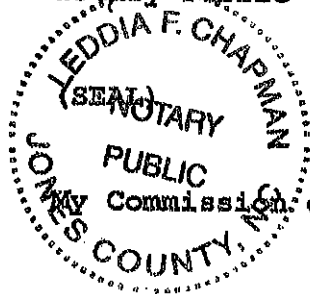
County of Craven

I, Leddia F. Chapman, a Notary Public for the above named County and State, do hereby certify that Michael Kermitt Nunn, D.O., personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal

This the 3rd day of Feb, 2012.

Leddia F. Chapman
Notary Public



Commission expires: 12/11/2016