

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:)	
	)	NOTICE OF CHARGES
Robert Gwinn Crummie, M.D.,	)	AND ALLEGATIONS;
	)	NOTICE OF HEARING
Respondent.)	

The North Carolina Medical Board (hereafter "Board") has preferred and does hereby prefer 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 it in Article 1 of Chapter 90 of the North Carolina General Statutes.

2. On June 17, 1965, the Board issued a license to practice medicine and surgery to Robert Gwinn Crummie, M.D. (hereafter "Dr. Crummie"), license number 14636.

3. During the times relevant herein, Dr. Crummie practiced in Rutherford County, North Carolina.

4. On March 18, 2006 Dr. Crummie was arrested for driving while under the influence ("DWI") in Anson County by the Highway Patrol after it was reported that his vehicle was observed weaving in the road. Arresting officers conducted a field sobriety test, which led them to believe Dr. Crummie was intoxicated. He was subsequently given a breathalyzer test which recorded a blood alcohol level of .09. A search of Dr. Crummie at the time of his

arrest produced an open bottle of "Mad-Dog 20-20" wine in his coat pocket. Dr. Crummie was charged with DWI and charged with having an open container. These charges were dismissed in court on October 9, 2006 after an officer involved in Dr. Crummie's arrest failed to appear in court.

5. A review of Dr. Crummie's criminal background reveals a previous DWI arrest and conviction in Union County in 1997. In this case Dr. Crummie was given a fine and ordered to pay restitution. The record also lists three felony marijuana related charges in Cumberland County in 1987 which were dismissed on August 31, 1987.

6. On February 13, 2007, Dr. Crummie was interviewed by a Board investigator. Dr. Crummie admitted to having three mixed drinks on the afternoon of March 18, 2006. Dr. Crummie admitted that he drinks regularly and has a high tolerance for alcohol but considers himself a "social drinker" and hopes to continue drinking. Dr. Crummie stated that he has not felt the need in the past or at present for counseling in the area of alcohol or other substance abuse. Dr. Crummie also advised that his drinking behavior has changed since the introduction of stronger DWI laws. Dr. Crummie stated that were it not for the present DWI laws, he would have a bar in his office and have a drink at the end of the day and a drink in his hand on his drive home.

7. During his February 13, 2007 interview with a Board investigator, Dr. Crummie made no mention of another DWI arrest occurring on January 27, 2007.

8. On January 27, 2007, Dr. Crummie was arrested by a

Fayetteville police officer for DWI. Dr. Crummie was administered an intoxilyser test that indicated Dr. Crummie's blood alcohol content to be .14.

9. Dr. Crummie reported his DWI arrest to the Board on February 27, 2007.

10. Dr. Crummie's conduct, as described above, constitutes unprofessional conduct, including, but not limited to, departure from, or the failure to conform to, 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 within or without North Carolina, within the meaning of N.C. Gen. Stat. § 90-14(a)(6), and grounds exist under that section of the North Carolina General Statutes for the Board to annul, suspend, revoke, or limit Dr. Crummie's license to practice medicine issued by the Board or to deny any future application he might make.

11. As evidenced by the above allegations, Dr. Crummie's abuse of alcohol constitutes Dr. Crummie being unable to practice medicine with reasonable skill and safety to patients by reason of illness, drunkenness, excessive use of alcohol, drugs, chemicals, or any other type of material or by reason of any physical or mental abnormality, within the meaning of N.C. Gen. Stat. § 90-14(a)(5), and grounds exist under that section of the North Carolina General Statutes for the Board to annul, suspend, revoke,

or limit Dr. Crummie's license to practice medicine issued by the Board or to deny any application he might make in the future.

NOTICE TO DR. CRUMMIE

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, at 8:00 a.m., Wednesday, August 15, 2007, or as soon thereafter as the Board may hear it, at the offices of the Board at 1203 Front Street, 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, 14.4, 14.5, and 14.6. You may appear personally and through counsel, may cross-examine witnesses and present evidence in your own behalf.

You may, if you desire, file written answers to the charges and complaints preferred against you within 30 days after the service of this notice.


Pursuant to N.C. Gen. Stat. § 150B-40(c)(5), it is further ordered that the parties shall arrange a pre-hearing conference at which they shall prepare and sign a stipulation on pre-hearing conference. The pre-hearing stipulation shall be submitted to the undersigned no later than seven (7) days prior to the hearing date.

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), 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 8th day of May, 2007.

NORTH CAROLINA MEDICAL BOARD

By: 

H. Arthur McCulloch, M.D.
President

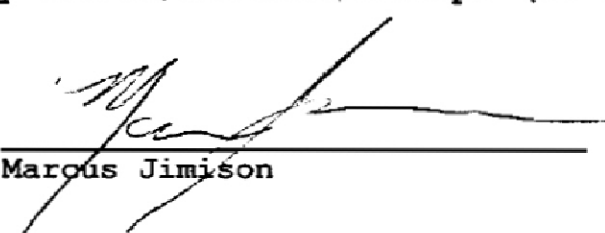
BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:)
)
Robert Gwinn Crummie, M.D.,) AFFIDAVIT OF SERVICE
)
Respondent.)

Marcus Jimison first being duly sworn, deposes and says as follows:

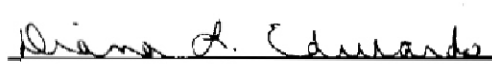
1. That a copy of the Notice of Charges and Allegations; Notice of Hearing in the above-captioned contested case was deposited in the post office for mailing to Respondent by certified mail.

2. That it was in fact received as evidenced by the attached copy of the Delivery Notice/Reminder/Receipt (PS Form 3811).



Marcus Jimison

Sworn to and subscribed before me,
this the 16th day of May, 2007.



Notary Public

(Seal)

My Commission expires: 11-14-09

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Robert Gwinn Crummie, M.D.
236 Charlotte Road
Rutherfordton, NC 28139-0121

Legal - NOC, NOH
MS-COH

2. Article Number

(Transfer from service label)

7006 2760 0005 1125 6523

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

Don Bartlett

05/09/07

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☒ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:)	
)	
Robert Gwinn Crummie, MD,	)	MOTION TO CONTINUE
)	
Respondent.)	

Respondent Robert Gwinn Crummie, MD, (hereinafter Dr. Crummie) hereby moves the North Carolina Medical Board (hereinafter Board) for a continuance of the hearing presently scheduled for August 15, 2007, on the Notice of Charges and Allegations dated May 8, 2007.

Pursuant to an order of the Board, Dr. Crummie has been assessed by the North Carolina Physicians Health Program (NCPHP). Pursuant to the recommendation of NCPHP, Dr. Crummie has agreed to undergo a comprehensive evaluation at Bradford Health Services. He has a confirmed appointment to begin the evaluation on August 12, 2007, and conclude August 16, 2007. The results of this evaluation likely will inform decisions about a resolution of this case. Dr. Crummie agrees to provide the results of this evaluation to the Board promptly. Dr. Crummie agrees that, pursuant to section 150B-3(c) of the General Statutes, the Board may consider, ex parte, the results of this evaluation in deciding whether additional action must be

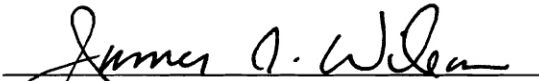
taken pending the Board's decision on the Notice of Charges.

Dr. Crummie further agrees not to accept any new patients pending the Board's decision on the Notice of Charges.

The undersigned has spoken with the Board's attorney, and, with these agreements by Dr. Crummie, the Board's attorney does not oppose a continuance.

Wherefore, Dr. Crummie requests a continuance to the Board's October 2007 meeting or thereafter.

This the 8th day of August, 2007.

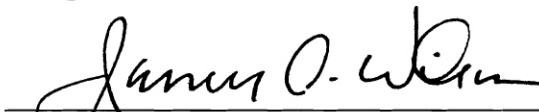

James A. Wilson
Attorney for Respondent
5322 Highgate Drive,
Suite 243
Durham, North Carolina 27713
919-361-4300
919-361-4305 (facsimile)

Certificate of Service

I hereby certify that I served the foregoing Motion to Continue on counsel for the Board by e-mail addressed as follows:

Marcus Jimison
Board Attorney
Marcus.jimison@ncmedboard.org

This the 8th day of August, 2007.


James A. Wilson

BEFORE THE
NORTH CAROLINA MEDICAL BOARD


In re:)	
)	
Robert Gwinn Crummie, M.D.	)	ORDER
)	
Respondent.)	

This matter is before the undersigned President of the North Carolina Medical Board pursuant to Respondent's request for a continuance of the hearing scheduled for August 15, 2007. It appears there is good cause for a continuance and that the request should be allowed.

IT IS THEREFORE ORDERED that the Motion for Continuance is hereby ALLOWED. The hearing shall be held on October 17, 2007, at 8:00 a.m. or as soon thereafter as the Board may hear it.

This the 9th day of August, 2007.

NORTH CAROLINA MEDICAL BOARD

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

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:)	
	)	FINDINGS OF FACT, CONCLUSIONS
Robert Gwinn Crummie, M.D.	)	OF LAW, AND ORDER
	)	OF DISCIPLINE
Respondent.)	

This matter was heard by the North Carolina Medical Board (hereafter, Board) on October 18, 2007. Marcus Jimison represented the Board, and James A. Wilson represented Respondent, Robert Gwinn Crummie, M.D. (hereafter, Dr. Crummie).

Based upon the evidence presented and the arguments of counsel, the Board enters the following:

FINDINGS OF FACT

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

2. On June 17, 1965, the Board issued a license to practice medicine and surgery to Dr. Crummie, license number 14636.

3. During the times relevant herein, Dr. Crummie practiced in Rutherford County, North Carolina.

4. On March 18, 2006, Dr. Crummie was arrested for driving while under the influence ("DWI") in Anson County by the Highway Patrol after it was reported that his vehicle was observed weaving in the road. Dr. Crummie was stopped by Trooper Richard Rogers of the State Highway Patrol upon observing Dr. Crummie weaving badly. Upon stopping Dr. Crummie, Trooper Rogers smelled alcohol emanating from Dr. Crummie and noticed glassy, blood shot eyes. Trooper Rogers turned over the matter to another Highway Patrol officer, Trooper D.A. Burr. Trooper Burr arrested Dr. Crummie for driving while intoxicated and a subsequent search of Dr. Crummie revealed a partially consumed bottle of wine in Dr. Crummie's coat pocket.

5. Trooper Burr performed a breathalyzer test on Dr. Crummie that revealed a blood alcohol content of .09. Trooper Burr testified that based on his experience, observations and test results, it was his opinion that Dr. Crummie was intoxicated while driving on the night of March 18, 2006.

6. Notwithstanding that the criminal charge of driving while under the influence was dismissed, Dr. Crummie did drive while intoxicated on the night of March 18, 2006.

7. On January 27, 2007, Dr. Crummie was arrested by a Fayetteville police officer for driving while intoxicated. The arrest occurred after Dr. Crummie was involved in an accident wherein the car Dr. Crummie was driving rear-ended another car.

An off duty police officer, Sgt. Steven Bates of the Fayetteville Police Department, responded to the accident. Another Fayetteville Police Department officer, Officer Markus Schell, responded later to the accident and performed a field sobriety test on Dr. Crummie. Dr. Crummie performed poorly on the sobriety test, and at one point during the test after Dr. Crummie had stumbled and fallen, Officer Schell stopped the test out of fear that Dr. Crummie may injure himself. Dr. Crummie was arrested for driving while intoxicated. A search of Dr. Crummie's car revealed the presence of an empty bottle of scotch and two empty beer cans.

8. Officer J.E. White of the Fayetteville Police Department administered a breathalyzer test on Dr. Crummie. That test showed that Dr. Crummie had a blood alcohol content of .14. All three Fayetteville police officers testified that in their professional opinion Dr. Crummie was intoxicated on the night of January 27, 2007.

9. Notwithstanding that the criminal charge of driving while under the influence was dismissed, Dr. Crummie did drive while intoxicated on the night of January 27, 2007.

10. Dr. Crummie submitted to a comprehensive assessment for possible impairment. That assessment indicated that Dr. Crummie suffered from alcohol abuse and that alcohol dependence could not be ruled out. The assessment recommended that Dr.

Crummie receive in patient treatment for his alcohol related issue, and to also determine whether Dr. Crummie is alcohol dependent.

11. Warren Pendergast, M.D., Medical Director for the North Carolina Physicians Health Program (NC PHP), testified that he was unable to advocate that Dr. Crummie was safe to practice medicine. However, Dr. Pendergast also testified that he could not say with certainty that Dr. Crummie was in fact unable to practice medicine safely because of his alcohol related issues.

12. The Board did not find that Dr. Crummie, presently, is unable to practice medicine safely within the meaning of N.C. Gen. Stat. § 90-14(a)(5).

Based upon the foregoing Findings of Fact, the Board enters the following:

CONCLUSIONS OF LAW

1. The Board has jurisdiction over Dr. Crummie and the subject matter.

2. Dr. Crummie's conduct as described in the Findings of Fact constitutes unprofessional conduct, including, but not limited to, departure from, or the failure to conform to, 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 within or without North Carolina, within the meaning of N.C. Gen. Stat. § 90-14(a)(6), and grounds exist under that section of the North Carolina General Statutes for the Board to annul, suspend, revoke, or limit his license to practice medicine and surgery issued by the Board or deny any application he might make in the future.

3. The Board does not conclude that Dr. Crummie, presently, is unable to practice medicine safely within the meaning of N.C. Gen. Stat. § 90-14(a)(5), and accordingly, that charge is dismissed.

Based upon the foregoing Findings of Fact and Conclusions of Law, the Board hereby enters the following:

ORDER

1. Dr. Crummie's medical license is hereby SUSPENDED for a period of SIX (6) MONTHS beginning December 2, 2007.

2. Beginning January 1, 2008, the SUSPENSION shall be STAYED on the following conditions:

a. Dr. Crummie shall, within thirty (30) days from the date of this Order, enter into and sign a FIVE (5) YEAR monitoring contract with the North Carolina Physicians Health Program (NC PHP).


b. Dr. Crummie shall comply in all respects with his NC PHP monitoring contract, including, but not limited

to, following all recommendations, including treatment recommendations, made by the NC PHP.

3. The conditions enumerated in Paragraph 2(a) and 2(b) shall continue after the Period of Suspension and so long as Dr. Crummie holds a North Carolina medical license, or until specifically ordered otherwise by the Board. If Dr. Crummie fails to comply with any of the terms or conditions of this Order of Discipline, including, but not limited to any violation of his NC PHP monitoring contract, 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 Dr. Crummie's license to practice medicine or to deny any application he might make in the future or then have pending for a license.

This the 14th day of November, 2007.

NORTH CAROLINA MEDICAL BOARD

By: 
H. Arthur McCulloch, M.D.
Presiding Officer

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:	)	AMENDED
	)	FINDINGS OF FACT, CONCLUSIONS
Robert Gwinn Crummie, M.D.	)	OF LAW, AND ORDER
	)	OF DISCIPLINE
Respondent.)	

This matter was heard by the North Carolina Medical Board (hereafter, Board) on October 18, 2007. Marcus Jimison represented the Board, and James A. Wilson represented Respondent, Robert Gwinn Crummie, M.D. (hereafter, Dr. Crummie).

Based upon the evidence presented and the arguments of counsel, the Board enters the following:

FINDINGS OF FACT

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

2. On June 17, 1965, the Board issued a license to practice medicine and surgery to Dr. Crummie, license number 14636.

3. During the times relevant herein, Dr. Crummie practiced in Rutherford County, North Carolina.

4. On March 18, 2006, Dr. Crummie was arrested for driving while under the influence ("DWI") in Anson County by the Highway Patrol after it was reported that his vehicle was observed weaving in the road. Dr. Crummie was stopped by Trooper Richard Rogers of the State Highway Patrol upon observing Dr. Crummie weaving badly. Upon stopping Dr. Crummie, Trooper Rogers smelled alcohol emanating from Dr. Crummie and noticed glassy, blood shot eyes. Trooper Rogers turned over the matter to another Highway Patrol officer, Trooper D.A. Burr. Trooper Burr arrested Dr. Crummie for driving while intoxicated and a subsequent search of Dr. Crummie revealed a partially consumed bottle of wine in Dr. Crummie's coat pocket.

5. Trooper Burr performed a breathalyzer test on Dr. Crummie that revealed a blood alcohol content of .09. Trooper Burr testified that based on his experience, observations and test results, it was his opinion that Dr. Crummie was intoxicated while driving on the night of March 18, 2006.

6. Notwithstanding that the criminal charge of driving while under the influence was dismissed, Dr. Crummie did drive while intoxicated on the night of March 18, 2006.

7. On January 27, 2007, Dr. Crummie was arrested by a Fayetteville police officer for driving while intoxicated. The arrest occurred after Dr. Crummie was involved in an accident wherein the car Dr. Crummie was driving rear-ended another car.

An off duty police officer, Sgt. Steven Bates of the Fayetteville Police Department, responded to the accident. Another Fayetteville Police Department officer, Officer Markus Schell, responded later to the accident and performed a field sobriety test on Dr. Crummie. Dr. Crummie performed poorly on the sobriety test, and at one point during the test after Dr. Crummie had stumbled and fallen, Officer Schell stopped the test out of fear that Dr. Crummie may injure himself. Dr. Crummie was arrested for driving while intoxicated. A search of Dr. Crummie's car revealed the presence of an empty bottle of scotch and two empty beer cans.

8. Officer J.E. White of the Fayetteville Police Department administered a breathalyzer test on Dr. Crummie. That test showed that Dr. Crummie had a blood alcohol content of .14. All three Fayetteville police officers testified that in their professional opinion Dr. Crummie was intoxicated on the night of January 27, 2007.

9. Notwithstanding that the criminal charge of driving while under the influence was dismissed, Dr. Crummie did drive while intoxicated on the night of January 27, 2007.

10. Dr. Crummie submitted to a comprehensive assessment for possible impairment. That assessment indicated that Dr. Crummie suffered from alcohol abuse and that alcohol dependence could not be ruled out. The assessment recommended that Dr.

Crummie receive in patient treatment for his alcohol related issue, and to also determine whether Dr. Crummie is alcohol dependent.

11. Warren Pendergast, M.D., Medical Director for the North Carolina Physicians Health Program (NC PHP), testified that he was unable to advocate that Dr. Crummie was safe to practice medicine. However, Dr. Pendergast also testified that he could not say with certainty that Dr. Crummie was in fact unable to practice medicine safely because of his alcohol related issues.

12. The Board did not find that Dr. Crummie, presently, is unable to practice medicine safely within the meaning of N.C. Gen. Stat. § 90-14(a)(5).

Based upon the foregoing Findings of Fact, the Board enters the following:

CONCLUSIONS OF LAW

1. The Board has jurisdiction over Dr. Crummie and the subject matter.

2. Dr. Crummie's conduct as described in the Findings of Fact constitutes unprofessional conduct, including, but not limited to, departure from, or the failure to conform to, 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 within or without North Carolina, within the meaning of N.C. Gen. Stat. § 90-14(a)(6), and grounds exist under that section of the North Carolina General Statutes for the Board to annul, suspend, revoke, or limit his license to practice medicine and surgery issued by the Board or deny any application he might make in the future.

3. The Board does not conclude that Dr. Crummie, presently, is unable to practice medicine safely within the meaning of N.C. Gen. Stat. § 90-14(a)(5), and accordingly, that charge is dismissed.

Based upon the foregoing Findings of Fact and Conclusions of Law, the Board hereby enters the following:

ORDER

1. Dr. Crummie's medical license is hereby SUSPENDED for a period of SIX (6) MONTHS beginning December 8, 2007.

2. Beginning January 6, 2008, the SUSPENSION shall be STAYED on the following conditions:

a. Dr. Crummie shall, within thirty (30) days from the date of this Order, enter into and sign a FIVE (5) YEAR monitoring contract with the North Carolina Physicians Health Program (NC PHP).


b. Dr. Crummie shall comply in all respects with his NC PHP monitoring contract, including, but not limited

to, following all recommendations, including treatment recommendations, made by the NC PHP.

3. The conditions enumerated in Paragraph 2(a) and 2(b) shall continue after the Period of Suspension and so long as Dr. Crummie holds a North Carolina medical license, or until specifically ordered otherwise by the Board. If Dr. Crummie fails to comply with any of the terms or conditions of this Order of Discipline, including, but not limited to any violation of his NC PHP monitoring contract, 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 Dr. Crummie's license to practice medicine or to deny any application he might make in the future or then have pending for a license.

This the 20th day of November, 2007.

NORTH CAROLINA MEDICAL BOARD

By: 
H. Arthur McCulloch, M.D.
Presiding Officer

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:)	
	)	ORDER OF SUMMARY
Robert Gwinn Crummie, M.D.,	)	SUSPENSION OF LICENSE
)	
Respondent.)	

This matter is before the North Carolina Medical Board (hereafter "Board") upon information that Robert Gwinn Crummie, M.D. (hereafter "Dr. Crummie") tested positive for the presence of alcohol metabolites. Dr. Crummie is an admitted alcoholic who has received treatment for his disease and continues to receive counseling for his alcoholism. In November 2007, Dr. Crummie's medical license was suspended for unprofessional conduct stemming from three drunk driving arrests. As part of the Board's Order of Discipline, Dr. Crummie was required to enter into a five year monitoring contract with the North Carolina Physicians Health Program (hereafter "NCPHP"). Furthermore, the Board's Order of Discipline required Dr. Crummie to comply in all respects with his NCPHP contract.

The NCPHP contract required Dr. Crummie to call a telephone number every day to determine whether he had been selected for a random urine screen. Dr. Crummie missed making fourteen phone calls in June, July and August of this year. The NCPHP contract also required Dr. Crummie to abstain from consuming alcohol. On

August 11, 2008, Dr. Crummie provided a urine specimen that tested positive for EtG and EtS, metabolites of ethyl alcohol. When questioned by the Clinical Director of the NCPHP regarding the positive test, Dr. Crummie admitted that he had consumed alcohol.

NCPHP cannot advocate that Dr. Crummie is safe to practice medicine.

Dr. Crummie's recent positive drug screen for alcohol metabolites, along with his admission that he consumed alcohol in violation of his NCPHP contract and that Dr. Crummie suffers from the disease of alcoholism, combine to make Dr. Crummie unsafe to practice medicine with reasonable skill and safety to patients within the meaning of N.C. Gen. Stat. § 90-14(a)(5). The offending conduct is described in the Notice of Charges and Allegations; Notice of Hearing dated September 3, 2008, and is incorporated by reference as if fully set forth herein.

The North Carolina Medical Board finds that the public health, safety, or welfare requires emergency action. The Board therefore ORDERS, pursuant to N.C. Gen. Stat. § 150B-3(c), that Dr. Crummie's license to practice medicine be SUSPENDED effective upon service of a certified copy of this Order.

This the 3rd day of September, 2008.

NORTH CAROLINA MEDICAL BOARD

By: Janelle A Rhyne, MD, FACP
Janelle A. Rhyne, M.D.
President

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:)	
	)	NOTICE OF CHARGES
Robert Gwinn Crummie, M.D.,	)	AND ALLEGATIONS;
	)	NOTICE OF HEARING
Respondent.)	

The North Carolina Medical Board (hereafter "Board") has preferred and does hereby prefer 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 it in Article 1 of Chapter 90 of the North Carolina General Statutes.

2. On June 17, 1965, the Board issued a license to practice medicine and surgery to Robert Gwinn Crummie, M.D. (hereafter "Dr. Crummie"), license number 14636.

3. During the times relevant herein, Dr. Crummie practiced in Rutherford County, North Carolina.

4. Dr. Crummie is an admitted alcoholic who has received treatment for his disease and continues to receive counseling for his alcoholism.

5. On November 20, 2007, the Board entered an Amended Order of Discipline wherein Dr. Crummie's medical license was suspended

for unprofessional conduct stemming from three drunk driving arrests.

6. The Board's Order of Discipline suspended Dr. Crummie's medical license for six months, with all but thirty days stayed, and required Dr. Crummie to enter into a five year monitoring contract with the North Carolina Physicians Health Program ("NCPHP"). Furthermore, the Board's Order of Discipline required Dr. Crummie to comply in all respects with his NCPHP contract.

7. The Board's Order of Discipline further stated the following:

The conditions enumerated in Paragraph 2(a) and 2(b) shall continue after the Period of Suspension and so long as Dr. Crummie holds a North Carolina medical license, or until specifically ordered otherwise by the Board. If Dr. Crummie fails to comply with any of the terms or conditions of this Order of Discipline, including, but not limited to any violation of his NC PHP monitoring contract, 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 Dr. Crummie's license to practice medicine or to deny any application he might make in the future or then have pending for a license.

8. Dr. Crummie's NCPHP contract required Dr. Crummie to call a telephone number every day to determine whether he had been selected for a random urine screen. Dr. Crummie missed making fourteen phone calls in June, July and August of this year.

9. Dr. Crummie's NCPHP contract also required Dr. Crummie to abstain from consuming alcohol. On August 11, 2008, Dr. Crummie

provided a urine specimen that tested positive for EtG and EtS, metabolites of ethyl alcohol. When questioned by the Clinical Director of the NCPHP regarding the positive test, Dr. Crummie admitted that he had consumed alcohol. Specifically, Dr. Crummie stated that he had taken communion and had drunk a glass of wine for dinner one Sunday evening.

10. As a result of Dr. Crummie's disease of alcoholism, his positive drug screen for alcohol metabolites, his admission that he drank wine and thus suffered a relapse in his recovery from alcoholism, NCPHP cannot advocate that Dr. Crummie is safe to practice medicine.

11. Dr. Crummie's conduct is a violation of the Board's Amended Order of Discipline and therefore constitutes unprofessional conduct, including, but not limited to, departure from, or the failure to conform to, 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 within or without North Carolina, within the meaning of N.C. Gen. Stat. § 90-14(a)(6), and grounds exist under that section of the North Carolina General Statutes for the Board to annul, suspend, revoke, or limit Dr. Crummie's license to practice medicine issued by the Board or to deny any future application he might make.

12. As evidenced by the above allegations, Dr. Crummie suffers from the disease of alcoholism and is unable to maintain abstinence, and therefore Dr. Crummie is unable to practice medicine with reasonable skill and safety to patients by reason of illness, drunkenness, excessive use of alcohol, drugs, chemicals, or any other type of material or by reason of any physical or mental abnormality, within the meaning of N.C. Gen. Stat. § 90-14(a)(5), and grounds exist under that section of the North Carolina General Statutes for the Board to annul, suspend, revoke, or limit Dr. Crummie's license to practice medicine issued by the Board or to deny any application he might make in the future.

NOTICE TO DR. CRUMMIE

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, at 8:00 a.m., Wednesday, October 15, 2008, or as soon thereafter as the Board may hear it, at the offices of the Board at 1203 Front Street, 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, 14.4, 14.5, and 14.6. You may appear personally and through counsel, may cross-examine witnesses and present evidence in your own behalf.

You may, if you desire, file written answers to the charges and complaints preferred against you within 30 days after the service of this notice.

Pursuant to N.C. Gen. Stat. § 150B-40(c)(5), it is further ordered that the parties shall arrange a pre-hearing conference at which they shall prepare and sign a stipulation on pre-hearing conference. The pre-hearing stipulation shall be submitted to the undersigned no later than seven (7) days prior to the hearing date.

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), 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 3rd day of September, 2008.

NORTH CAROLINA MEDICAL BOARD

By: Janelle A Rhyne MD, FACP
Janelle A. Rhyne, M.D.
President

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:)	
)	
Robert Gwinn Crummie, M.D.,	)	RETURN OF SERVICE
)	
Respondent.)	

I certify that a copy of the foregoing Order of Summary Suspension of License and Notice of Charges and Allegations; Notice of Hearing) in the above-captioned matter was received on September 4, 2008, and served as follows:

On Respondent Robert Gwinn Crummie, M.D.:

✓ By delivering to him copies thereof.

 By leaving copies thereof at his last known address.

Date served: September 4, 2008

Date of return: September 4, 2008

By: Bruce B. Jarvis
Bruce B. Jarvis
Board Investigator

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:)
)
Cases Noticed for)
Hearing Before a) ORDER
Hearing Panel of the)
North Carolina Medical Board)
October 15-16, 2008)

Pursuant to N.C. Gen. Stat. Section 90-14.5, the undersigned President of the North Carolina Medical Board hereby appoints the following Hearing Officers to hear those cases noticed for hearing October 15-16, 2008:

Janelle A. Rhyne, MD, Board Member

Ralph C. Loomis, MD, Board Member

Thomas R. Hill, MD, Board Member

Ms. Thelma Lennon, Board Member

Charles L. Garrett, Jr., MD, Former Board Member

Stephen M. Herring, MD, Former Board Member

The foregoing Hearing Officers will be assigned to specific panels and cases when the docket is called at 8:00 a.m., October 15, 2008.

This the Sixth day of October, 2008.

NORTH CAROLINA MEDICAL BOARD

Janelle A Rhyne MD, FACP

By: _____

Janelle A. Rhyne, MD
President

**BEFORE THE
NORTH CAROLINA MEDICAL BOARD**

In re:)	
)	
Robert Gwinn Crummie, MD,	)	MOTION TO CONTINUE
)	
Respondent.)	

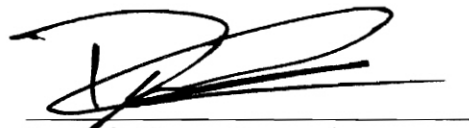
Respondent Robert Gwinn Crummie, MD, (hereinafter Dr. Crummie) hereby moves the North Carolina Medical Board (hereinafter Board) for a continuance of the hearing presently scheduled for October 15, 2008, on the Notice of Charges and Allegations dated September 3, 2008.

Due to scheduling conflicts, the undersigned would not be available on October 16, 2008, and has been informed by the Board's attorney that another hearing will, in all likelihood, require all the Board's time on October 15, 2008. The undersigned has spoken with the Board's attorney, and, the Board's attorney does not oppose a continuance.

Wherefore, Dr. Crummie respectfully requests a continuance to the Board's next meeting for hearings, February 18, 2009.

This the 13th day of October, 2008.

CLARK, NEWTON & EVANS, LLP
Attorneys for Respondent



Ryan G. Cason Crummie
509 Princess Street
Wilmington, NC 28401
Phone: 910-762-8743
Fax: 910-762-6206
Email: rgc@clarknewton.com

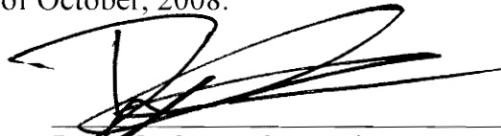
Certificate of Service

I hereby certify that I served the foregoing Motion to Continue on counsel for the Board by first-class mail, postage prepaid, and addressed as follows:

**Marcus Jimison
Board Attorney
North Carolina Medical Board
1203 Front Street
Raleigh, North Carolina 27609**

**Lynne Edwards
Legal Assistant
NC Medical Board
P.O. Box 20007
Raleigh, NC 27619-0007**

This the 13th day of October, 2008.



Ryan G. Cason Crummie

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:)
)
Robert Gwinn Crummie, M.D.,) ORDER
)
Respondent.)

This matter is before the undersigned President of the North Carolina Medical Board regarding the hearing scheduled for October 15, 2008 in the above-captioned case. Upon consideration of Respondent's Motion to Continue, I hereby enter the following ORDER:

The hearing scheduled for October 15, 2008 is continued and shall be heard at 8:00 a.m. on February 18, 2009 or as soon thereafter as the Board or a panel thereof may hear it.

This the 13th day of October, 2008.

NORTH CAROLINA MEDICAL BOARD

By: Janelle A. Rhyne MD, FACP
Janelle A. Rhyne, M.D.
President

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:)	
)	
Robert Gwinn Crummie, M.D.	)	CONSENT ORDER
)	
Respondent.)	

This matter is before the North Carolina Medical Board (hereafter "Board") on an Order of Summary Suspension and a Notice of Charges and Allegations dated September 3, 2008 regarding Robert Gwinn Crummie, M.D. (hereafter "Dr. Crummie"). Dr. Crummie 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, on June 17, 1965, the Board issued a license to practice medicine and surgery to Dr. Crummie, license number 14636, and

Whereas, during the times relevant herein, Dr. Crummie practiced in Rutherford County, North Carolina, and

Whereas, on November 20, 2007, the Board entered an Amended Order of Discipline wherein Dr. Crummie's medical license was suspended for unprofessional conduct stemming from

two drunk driving charges, and

Whereas, the Board's Order of Discipline suspended Dr. Crummie's medical license for six months, with all but thirty days stayed, and required Dr. Crummie to enter into a five year monitoring contract with the North Carolina Physicians Health Program ("NCPHP"), and

Whereas, the Board's Order of Discipline required Dr. Crummie to comply in all respects with his NCPHP contract, and

Whereas, the Board's Order of Discipline further stated the following:

The conditions enumerated in Paragraph 2(a) and 2(b) shall continue after the Period of Suspension and so long as Dr. Crummie holds a North Carolina medical license, or until specifically ordered otherwise by the Board. If Dr. Crummie fails to comply with any of the terms or conditions of this Order of Discipline, including, but not limited to any violation of his NC PHP monitoring contract, 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 Dr. Crummie's license to practice medicine or to deny any application he might make in the future or then have pending for a license.

Whereas Dr. Crummie's NCPHP contract required Dr. Crummie to call a telephone number every day to determine whether he had been selected for a random urine screen, and

Whereas, Dr. Crummie missed making fourteen phone calls in June, July and August of this year, and

Whereas Dr. Crummie's NCPHP contract required Dr. Crummie to abstain from consuming alcohol, and

Whereas, on August 11, 2008, Dr. Crummie provided a urine specimen that tested positive for EtG and EtS, metabolites of ethyl alcohol, and

Whereas when questioned by the Clinical Director of the NCPHP regarding the positive test, Dr. Crummie admitted that he had consumed alcohol he had taken communion and sipped from his wife's wine glass over dinner one Sunday evening, and

Whereas, as a result of this information the Board issued an Order of Summary Suspension and Notice of Allegations against Dr. Crummie dated September 3, 2008, and

Whereas Dr. Crummie's conduct is a violation of the Board's Amended Order of Discipline and therefore constitutes unprofessional conduct, including, but not limited to, departure from, or the failure to conform to, 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 within or without North Carolina, within the meaning of N.C. Gen. Stat. § 90-14(a)(6), and grounds exist under that section of the North Carolina General Statutes for the Board to annul, suspend, revoke, or limit Dr. Crummie's license to practice medicine issued by the Board or to deny

any future application he might make, and

Whereas, subsequent to the Order of Summary Suspension, Dr. Crummie, on a random selection basis, submitted to several urine screens and tested negative for EtG, EtS, and ethyl alcohol on every screen, and

Whereas, Dr. Crummie is working with a counselor approved by PHP, and

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

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

Now, therefore, with Dr. Crummie' consent, it is ORDERED that:

1. Dr. Crummie's North Carolina medical license is hereby SUSPENDED for ONE (1) YEAR, effective September 3, 2008. This SUSPENSION is hereby STAYED, except for a period of FOUR MONTHS. The time that Dr. Crummie has spent out of practice from the date of his ORDER OF SUMMARY SUSPENSION is credited to the active suspension, and Dr. Crummie is deemed to have completed his four month active suspension on the date of this Consent Order.

2. The Order of Summary Suspension is hereby DISSOLVED, and Dr. Crummie may resume the practice of medicine, without limitation, from the date of this Consent Order.

3. Dr. Crummie is hereby placed on PROBATION on the following terms and conditions.

4. Dr. Crummie shall maintain his PHP contract and strictly comply with all terms and conditions of that contract. A violation of the PHP contract is a violation of this Consent Order.

5. In the event Dr. Crummie misses two phone calls to the PHP 1-800 telephone number that is set up for the random selection for a urine drug screen, then upon report of the second missed phone call from PHP to the Board, the Board shall automatically suspend Dr. Crummie's medical license for a period of NINETY (90) DAYS. This suspension will occur immediately and Dr. Crummie hereby expressly waives any right to contest or appeal the automatic 90 day suspension. The Board will continue to impose additional automatic 90 day suspensions for every subsequent second missed phone whether it occurs while Dr. Crummie is serving an active suspension or not. Furthermore, it is expressly understood and agreed that notwithstanding the automatic 90 day suspension, the Board retains the authority to consider and pursue additional action or sanction against Dr. Crummie's medical license based on any missed phone calls, or any other violation of this Consent Order or Dr. Crummie's PHP contract, including, but not

limited to, summary suspension pursuant to N.C. Gen. Stat. § 90-150B(c).

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

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

8. Dr. Crummie shall meet with the Board or members of the Board for an informal interview at such times as requested by the Board

9. If Dr. Crummie 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 to practice medicine and surgery and to deny any application he might make in the future or then have pending for a license.

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

11. Dr. Crummie hereby waives any requirement under

law or rule that this Consent Order be served on him.

12. Upon execution by Dr. Crummie 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 Data Bank, and the Healthcare Integrity and Protection Data Bank.

This the 30th day of January, 2009.

NORTH CAROLINA MEDICAL BOARD

By:

George L. Saunders, III, MD
George L. Saunders, III, MD
President

Consented to this the 29 day of JANUARY, 2009.

Robert Gwinn Crummie MD
Robert Gwinn Crummie, M.D.

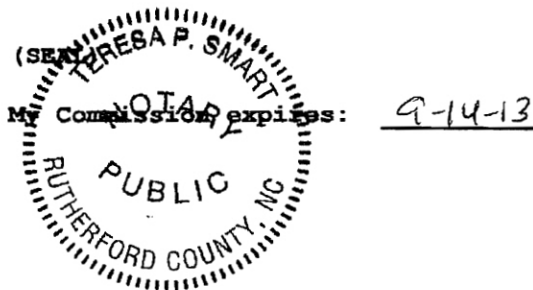
State of NC
County of Rutherford

I, Teresa P. Smart, a Notary Public for the above named County and State, do hereby certify that Robert Gwinn Crummie, 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 29 day of January, 2009.

Teresa P. Smart
Notary Public



BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:)	
	)	NOTICE OF CHARGES
Robert Gwinn Crummie, M.D.,	)	AND ALLEGATIONS;
	)	NOTICE OF HEARING
Respondent.)	

The North Carolina Medical Board (hereafter "Board") has preferred and does hereby prefer 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 it in Article 1 of Chapter 90 of the North Carolina General Statutes.

2. On June 17, 1965, the Board issued a license to practice medicine and surgery to Robert Gwinn Crummie, M.D. (hereafter "Dr. Crummie"), license number 14636.

3. During the times relevant herein, Dr. Crummie practiced in Rutherford County, North Carolina.

4. In October 2008, the Board received a patient complaint regarding Dr. Crummie's prescribing.

5. The Board reviewed several of Dr. Crummie's patient charts in response to the patient complaint.

6. Patients A through E were all seen and treated by Dr. Crummie. For all five patients, Dr. Crummie provided care that

was below standards of acceptable and prevailing medical practice. Deficiencies include, but are not limited to, inappropriate treatment for documented diagnoses, prescribing benzodiazepines without justification and high dose narcotics without an adequate assessment, failing to respond appropriately to reports of controlled substance diversion, using multiple high dose medications of the same class of drug, inadequate follow-up, and scant and non-informative medical records.

7. For Patient A, Dr. Crummie prescribed high dosages of multiple benzodiazepines without justifying why such treatment is needed. He failed to follow up with any addiction treatment for this patient, especially given the patient's history. Dr. Crummie's record-keeping for this patient was scant and non-informative. Dr. Crummie did not follow-up on any of the patient's anxiety medication, and there was no documentation of any formal follow up mental status exam.

8. For Patient B, Dr. Crummie fell below the standard of acceptable and prevailing medical practice in regard to inadequate documentation to support his diagnosis, inadequate medical follow-up, inadequate record-keeping, and inappropriate treatment for his documented diagnoses that included generalized anxiety disorder, post traumatic stress disorder, and childhood molestation.

9. For Patient C, Dr. Crummie again fell below the standard of acceptable and prevailing medical practice in regard to inadequate documentation to support his diagnosis, inadequate medical follow-up, inadequate record-keeping, and inappropriate treatment for his documented diagnoses of generalized anxiety disorder. Patient C's symptoms were vague and non-specific and did not support the diagnosis of generalized anxiety disorder. Furthermore, Dr. Crummie's treatment plan of high dose benzodiazepines of two different formulations was not within the standards of acceptable and prevailing medical practice in North Carolina.

10. For Patient D, Dr. Crummie again fell below the standard of acceptable and prevailing medical practice in regard to inadequate documentation to support his diagnosis, inadequate medical follow-up, inadequate record-keeping, and inappropriate treatment for his documented diagnoses of generalized anxiety disorder. Patient D's symptoms were vague and non-specific and did not support the diagnosis of generalized anxiety disorder. Dr. Crummie again prescribed high dose benzodiazepines as a first line treatment. Dr. Crummie failed to take a substance use history prior to prescribing opioids. Dr. Crummie's record-keeping in regard to this patient fell below standard in regard to follow-up and possible diversion issues.

11. For Patient E, Dr. Crummie again fell below the standard of acceptable and prevailing medical practice in regard to inadequate documentation to support his diagnosis, inadequate medical follow-up, inadequate record-keeping, failure to obtain old records or consult with another treating physician, and inappropriate treatment for his documented diagnoses. Patient E's symptoms were vague and non-specific and did not support the diagnosis of generalized anxiety disorder. Dr. Crummie again prescribed high doses of benzodiazepines as a first line treatment. Prescribing high dose multiple benzodiazepines to a patient with a history of alcohol dependence, and not justifying why such treatment is needed, falls below the standard of care. Other substandard practice in the care of this patient includes not performing a comprehensive substance abuse history and ensuring monitoring that the patient is in active recovery prior to prescribing addictive substances. Dr. Crummie's record-keeping in regard to Patient E was also substandard in several respects.

12. In addition, Dr. Crummie's charts revealed identical, specifically detailed descriptions of presenting symptoms for several patients. The Board's reviewer commented that it would be highly improbable that these several patients with varied backgrounds and psychiatric histories would have such identical presenting symptoms.

13. Dr. Crummie's conduct, as described above, 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 physician's practice or otherwise, and whether committed within or without North Carolina, within the meaning of N.C. Gen. Stat. § 90-14(a)(6), and grounds exist under that section of the North Carolina General Statutes for the Board to annul, suspend, revoke, or limit Dr. Crummie's license to practice medicine issued by the Board or to deny any future application he might make.

NOTICE TO DR. CRUMMIE

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 February 17, 2010, at 8:00 a.m. or as soon thereafter, at the offices of the Board at 1203 Front Street, 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, 14.4, 14.5, and 14.6. You may

appear personally and through counsel, may cross-examine witnesses and present evidence in your own behalf.

You may, if you desire, file written answers to the charges and complaints preferred against you within 30 days after the service of this notice.

The identities of Patients A through F are being withheld from public disclosure pursuant to N.C. Gen. Stat. § 90-8. However, this information will be provided to you upon your request.

Pursuant to N.C. Gen. Stat. § 150B-40(c)(5), it is further ordered that the parties shall arrange a prehearing conference at which they shall prepare and sign a stipulation on prehearing conference. The prehearing stipulation shall be submitted to the undersigned no later than seven days prior to the hearing date.

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), 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 30th day of September, 2009.

NORTH CAROLINA MEDICAL BOARD

By: 
George L. Saunders, III, M.D.
President

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:)
)
Robert Gwinn Crummie, M.D.,) AFFIDAVIT OF SERVICE
)
Respondent.)

Marcus Jimison first being duly sworn, deposes and says as follows:

1. That a copy of the Notice of Charges and Allegations; Notice of Hearing in the above-captioned contested case was deposited in the post office for mailing to Respondent by certified mail.

2. That it was in fact received as evidenced by the attached copy of the Delivery Notice/Reminder/Receipt (PS Form 3811).



Marcus Jimison

Sworn to and subscribed before me,
this the 20th day of October, 2009.



Notary Public

(Seal)

My Commission expires: 11-14-09

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to: **Legal. noc. not
ms. com**

**ROBERT GWINN CRUMMIE MD
236 CHARLOTTE RD
RUTHERFORDTON NC 28139-0121**

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☒ Agent
[Signature] ☐ Addressee

B. Received by (Printed Name) **Jennifer Not** C. Date of Delivery **10-1-03**

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

7008 3230 0001 9649 8422

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:)	
)	
Robert Gwinn Crummie, MD,	)	MOTION TO CONTINUE
)	
Respondent.)	

Respondent Robert Gwinn Crummie, MD, (hereinafter Dr. Crummie) hereby moves the North Carolina Medical Board (hereinafter Board) for a continuance of the hearing originally scheduled for February 17, 2010, on the Notice of Charges and Allegations dated September 30, 2009. In support of its motion, Respondent shows the Board as follows:

Respondent received an Expert Review from the Board's second expert witness, Dr. Moffet, on February 4, 2010, two weeks before the rescheduled hearing date of February 18, 2010. Dr. Moffet's Expert Review addresses issues that were not addressed in the original Notice of Charges and Allegations dated September 30, 2009. Specifically, that Dr. Crummie's prescribing Amoxicillin and Thioridazine to two of the six patients in question, fell below the standard of care of acceptable medical practice.

Furthermore, the deposition of Dr. Moffet was incomplete since he had not finished reviewing the medical

charts of all of the patients. Apparently, the Board's attorney had not sent the entire chart for one of the patients to Dr. Moffet, even though it was in the Board's possession. Once Dr. Moffet reviews the full chart and forms an opinion, Respondent reserves the right to depose Dr. Moffet regarding said opinion.

Finally, The deposition conducted on February 5, 2010 uncovered disagreement between the Board's experts regarding the standards of acceptable and prevailing medical practice at issue in this case. Specifically, the experts disagreed regarding whether Dr. Crummie's diagnosis and treatment for Generalized Anxiety Disorder failed to conform to the standards of practice. Respondent was informed on February 5, 2010 that the transcript from the deposition would not be available in time for hearing. Respondent requires additional time to review the transcripts from the deposition and narrow the issues and facts that are in contention, given the disagreement of the Board's own experts.

Respondent is in the process of preparing for the hearing and waiting for several experts to issue opinions. Respondent's consulted experts require additional time to review this case in light of the additional issues raised

at the Deposition, and in Dr. Moffet's Expert Review received on February 4th, 2010.

Due to the additional issues raised in this case by Dr. Moffet, the disagreement regarding the standards of practice among the Board's experts, and the fact that Dr. Moffet did not complete his review of all six patients, additional time is needed to prepare for hearing and narrow the issues in dispute. Respondent must also consult and update the files of the retained expert and experts currently being consulted on behalf of Respondent.

Given the nature of these allegations and the dependence upon expert testimony by both the Board and Respondent to establish the standards of practice, additional time is needed in order for Respondent to properly prepare for the hearing. Respondent would be prejudiced if expected to prepare for a hearing in less than two weeks from the date they received additional information regarding the Board's case and Expert's opinions regarding same.


The undersigned has spoken with the Board's attorney, who opposes the motion for continuance, despite the fact that he asserts that the standards in question and ultimate issues in this case will be determined by expert testimony.

This Motion was timely made after discovery of the issues necessitating this continuance.

Wherefore, Dr. Crummie requests a continuance to the Board's April meeting or thereafter.

This the 8th day of February, 2010.

CLARK, NEWTON & EVANS, LLP
Attorneys for Respondent



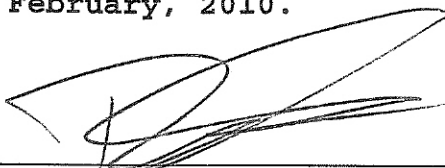
Ryan G. Cason Crummie
NC Bar #: 35236
509 Princess Street
Wilmington, NC 28401
Phone: 910-762-8743
Fax: 910-762-6206
Email: rgc@clarknewton.com

Certificate of Service

I hereby certify that I served the foregoing Motion to Continue on counsel for the Board by first-class mail, postage prepaid, and addressed as follows:

Marcus Jimison
Board Attorney
North Carolina Medical Board
1203 Front Street
Raleigh, North Carolina 27609

This the 8th day of February, 2010.



Ryan G. Cason Crummie

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:)	
)	
Robert Gwinn Crummie, M.D.,	)	RESPONSE TO
	)	MOTION TO CONTINUE
Respondent.)	

The North Carolina Medical Board (hereafter "Board") by and through undersigned counsel opposes the Motion to Continue of Respondent Robert Gwinn Crummie, M.D. (hereafter "Dr. Crummie") filed February 8, 2010, and shows the Board that the Motion to Continue should be denied for the following reasons:

Dr. Crummie's Motion is not timely. Counsel for the Board advised counsel for Dr. Crummie by e-mail on December 11, 2009 of a new Board policy that "[a]ll cases will go forward at hearing as scheduled unless the case has been settled or continued at least 14 days prior." The same e-mail also informed counsel for Dr. Crummie that "if either party moves for a continuance fewer than 14 days prior to the hearing, the Board President will deny such motion except upon a showing of extraordinary circumstances."

The hearing in this matter is scheduled to take place on February 18, 2010. The Motion to Continue was filed on or about February 8, 2010, which is fewer than 14 days prior to

the hearing. Dr. Crummie has made no showing of extraordinary circumstances.

Dr. Crummie has been given adequate opportunity to know of and depose the Board's two expert witnesses, Dr. Weiner and Dr. Moffett. In fact, the Board has been prejudiced thus far by Dr. Crummie's failure to make himself and his expert witness available for deposition, but undersigned counsel for the Board opposes Dr. Crummie's Motion.

On January 29, 2010, counsel for Dr. Crummie and counsel for the Board agreed to take the depositions of the Board's expert witnesses, Dr. Weiner and Dr. Moffet on February 5, 2010. Undersigned counsel provided the report of Dr. Weiner to Dr. Crummie prior to disciplinary charges being issued. Counsel provided the report of Dr. Moffet at approximately 5:30 p.m. on February 3, 2010.

The depositions of the Board's expert witnesses, Dr. Weiner and Dr. Moffet took place on February 5. As a result of the deposition of Dr. Moffet, Board counsel asked Dr. Moffet to provide an addendum to his original report in order to clarify certain issues that were raised in the deposition. Board counsel has not received that addendum, and it is not certain that the addendum will be created in time for or utilized at the hearing. The issue of whether such an addendum is

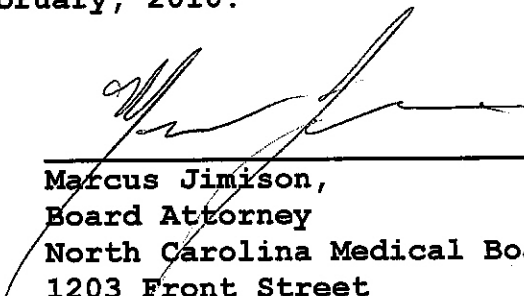
admissible at hearing is entirely separate from the issues related to the Motion to Continue.

Dr. Crummie did not agree to a time for Board counsel to depose him and his expert witness until yesterday, February 10, 2010. Those depositions are scheduled to take place tomorrow, February 12, yet Board counsel opposes the Motion to Continue.

The contention by counsel for Dr. Crummie that there are disagreements between the Board's expert witnesses is not a basis for a continuance. Instead, that is a matter of weighing the evidence by the trier of fact.

For the foregoing reasons, undersigned counsel for the Board requests that the Motion to Continue be DENIED.

This the 11th day of February, 2010.



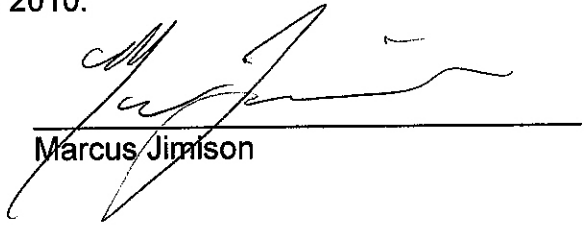
Marcus Jimison,
Board Attorney
North Carolina Medical Board
1203 Front Street
Raleigh, North Carolina 27609
(919) 326-1100

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document was served upon Respondent through his attorney by email:

Ryan G. Cason Crummie
509 Princess Street
Wilmington, NC 28401
Telephone: (910) 762-8743
Facsimile: (910) 762-6206
rgc@clarknewton.com

This, the 11th day of February, 2010.



Marcus Jimison

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:)	
	)	FINDINGS OF FACT, CONCLUSIONS
Robert Gwinn Crummie, M.D.	)	OF LAW, AND ORDER
	)	OF DISCIPLINE
Respondent.)	

This matter was heard by the North Carolina Medical Board (hereafter, Board) on February 18, 2010. Marcus Jimison represented the Board, and Ryan G. Cason Crummie represented Respondent, Robert Gwinn Crummie, M.D. (hereafter, Dr. Crummie).

Based upon the evidence presented and the arguments of counsel, the Board enters the following:

FINDINGS OF FACT

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

2. On June 17, 1965, the Board issued a license to practice medicine and surgery to Dr. Crummie, license number 14636.

3. During the times relevant herein, Dr. Crummie practiced in Rutherford County, North Carolina.

4. Patients A through F were all seen and treated by Dr.

Crummie. For all six patients, Dr. Crummie's care was below standards of acceptable and prevailing medical practice. Deficiencies include prescribing benzodiazepines and, at times, narcotics without an adequate documented justification, failing to respond appropriately to reports of controlled substance diversion, prescribing benzodiazepines to patients without performing an adequate substance abuse history or to patients who may actively be abusing alcohol or other substances, inadequate follow-up mental status examinations, and having scant and non-informative medical records.

5. In addition, Dr. Crummie's charts revealed identical, specifically detailed descriptions of presenting symptoms for all six patients, all of whom were diagnosed with Generalized Anxiety Disorder. In addition, all six patients were prescribed two benzodiazepines as an initial treatment for their diagnoses of Generalized Anxiety Disorder. In none of the six patients did Dr. Crummie quantify the severity or degree of the patient's anxiety or worry, nor did Dr. Crummie document that the patient had difficulty controlling his or her worry or anxiety. In none of the six patients is there any follow up on the patients' use of certain benzodiazepines by documenting what the patient was actually taking regarding their "prn" (as needed) medications by Dr. Crummie. In five of the six patients, Dr. Crummie prescribed a third benzodiazepine

to be used alongside two other benzodiazepines. There was not any documented attempt to reduce the patients' use of benzodiazepines or to wean them off these drugs.

6. For all Patients, A through F, Dr. Crummie also fell below the standard of acceptable and prevailing medical practice in regard to inadequate documentation to support his diagnosis, inadequate medical follow-up, and inadequate record-keeping.

7. In addition to the above, as to Patient A, Dr. Crummie prescribed benzodiazepines to this patient who was alcohol dependent without a documented substance abuse history, and continued prescriptions after the patient left Dr. Crummie's practice for significant periods of time without documented adequate justification for continuing such prescriptions. For Patient D, Dr. Crummie failed to document an adequate substance abuse history prior to prescribing opioids and failed to follow-up adequately regarding possible diversion issues. For Patient E, Dr. Crummie failed to obtain old records or consult with another treating physician after reports that the patient was receiving atypical antipsychotics from another physician, and failed to ensure that the patient was in active recovery from her alcohol dependence prior to prescribing addictive substances.

8. The Board finds that should Dr. Crummie apply for

reinstatement of his North Carolina medical license, he will need to submit a remediation/documentation plan acceptable to the Board's Office of Medical Director.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over Dr. Crummie and the subject matter.

2. Dr. Crummie's conduct, as described in the Findings of Fact, constitutes unprofessional conduct, including, but not limited to, departure from, or the failure to conform to, the standards of acceptable and prevailing medical practice, irrespective of whether or not a patient is injured thereby, whether the same is committed in the course of the physician's practice or otherwise, and whether committed within or without North Carolina, within the meaning of N.C. Gen. Stat. § 90-14(a)(6), and grounds exist under that section of the North Carolina General Statutes for the Board to annul, suspend, revoke, or limit his license to practice medicine and surgery issued by the Board or deny any application he might make in the future.


Based upon the foregoing Findings of Fact and Conclusions of Law, the Board hereby enters the following:

ORDER

1. Dr. Crummie's medical license is SUSPENDED INDEFINITELY beginning at 5:00 p.m., Friday, April 2, 2010. During the interim of time between the date of this Order and April 2, 2010, Dr. Crummie is allowed an appropriate period of time to wind down his medical practice. During this wind down period, Dr. Crummie shall practice within standards of acceptable and prevailing medical practice. Furthermore, Dr. Crummie should make best efforts to provide his patients with a copy of their medical records and make referrals, when appropriate, to other physicians.

This the 17th day of March, 2010.

NORTH CAROLINA MEDICAL BOARD

By: 
Donald E. Jablonski, D.O.
Board President
Presiding Officer

Consent and Waiver

I, Robert G. Crummie, M.D., would like to resolve this matter without the need for more formal proceedings and consent to the Board's issuance of a public letter of concern in resolution of my current matter.

Consented to this the 15 day of April, 2011.

Robert G. Crummie M.D.
Robert G. Crummie, M.D.

State of N.C.
County of Rutherford

I, Debbie H. Sims, a Notary Public for the above named County and State, do hereby certify that Robert G. Crummie, 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 15 day of April, 2011.

Debbie H. Sims
Notary Public

(SEAL)

My Commission Expires: 8-20-2015



**NORTH CAROLINA
MEDICAL BOARD**

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Fax: (919) 326-1131
Email: info@ncmedboard.org
Web: www.ncmedboard.org

April 19, 2011

Via Attorney of Record

Robert G. Crummie, M.D.
236 Charlotte Road
Rutherfordton, NC 28139-0121

Dear Dr. Crummie:

On August 14, 2010, you were arrested for driving while impaired ("DWI"). You pleaded guilty to this charge on September 9, 2010. As a result, the North Carolina Medical Board ("Board") issues you this public letter of concern.

On September 9, 2010, you were found guilty of DWI. The Court gave you a sentence of sixty days. The Court later suspended the sentence. You were placed on unsupervised probation for a period of eighteen months and ordered to pay a fine of \$100.00 and a Community Service Fee of \$225.00. There were additional special conditions placed on your probation, including the following: 1) you were to obtain a substance abuse assessment and complete all recommended education or treatment; 2) surrender your driver's license to the Clerk of Superior Court; 3) not operate a vehicle until your driving privileges are restored except as permitted by a limited privilege; and 4) you were to complete twenty-four hours of community service during the first thirty days of your probationary period.

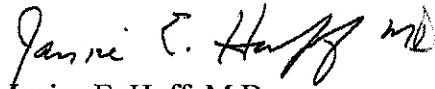
Given your prior disciplinary history with this Board and your three prior arrests for drunk driving, the Board is very concerned about your continued misconduct. Much consideration was given to whether revocation of your license was the appropriate response to your continued disregard for the law and your inability to sustain a recovery from alcoholism. The Board takes notice that your license is indefinitely suspended as a result of an Order of Discipline dated March 17, 2010. Instead of initiating yet another disciplinary proceeding based on your recent DWI conviction, which could lead to the revocation of your license, the Board believes it would be in the public interest to issue this public letter of concern in resolution of this matter on the following terms:

- 1) By accepting this letter and signing the Consent and Waiver, you agree not to apply for reinstatement of your North Carolina medical license for a period of two years from the date of this letter. Any application received during the next two years will be returned to you and will not be processed based on the agreement you make by signing the Consent and Waiver.
- 2) Should you apply for reinstatement of your license after two years from the date of this letter, the Board is under no obligation to approve your application. The Board may deny any such application based on this agreement, your significant Board disciplinary history, your September 9, 2010 conviction for drunk driving and your inability to sustain a recovery from alcoholism.

Robert G. Crummie, M.D.
April 19, 2011
Page Two

This public letter of concern is a public record within the meaning of Chapter 132 of the North Carolina General Statutes and is subject to public inspection and dissemination pursuant to the provisions thereof. Additionally, it will be reported to the Federation of State Medical Boards. It will not be reported to the National Practitioner Data Bank or the Healthcare Integrity and Practitioner Data Bank.

Sincerely,

A handwritten signature in black ink, appearing to read "Janice E. Huff MD". The signature is fluid and cursive, with a small "MD" at the end.

Janice E. Huff, M.D.
Board President

JEH/MJ/bjs