

BEFORE THE  
NORTH CAROLINA MEDICAL BOARD

In re:	)	
	)	
Judith Yongue, M.D.	)	NOTICE OF CHARGES
	)	AND ALLEGATIONS;
Respondent.	)	NOTICE OF HEARING

---

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. Respondent, Judith Yongue, M.D. (hereafter "Dr. Yongue"), is a physician licensed by the Board on or about June 21, 1962, license number 13542

3. At the times relevant hereto, Dr. Yongue practiced psychiatry in the Greenville, North Carolina area.

FIRST CLAIM

4. Paragraphs one through three are realleged and incorporated herein by reference.

5. Dr. Yongue began treating Patient A in January 2004. Patient A complained of depression, anxiety, insomnia and migraine headaches. Dr. Yongue continued to treat Patient A through November 2007. During that time, Dr. Yongue prescribed numerous medications, including antidepressants, hypnotics and mood stabilizers.

6. Dr. Yongue's care and treatment of Patient A, including but not limited to her prescribing practices and medical record documentation, failed to conform the standards of acceptable and prevailing medical practice of the medical profession within the meaning of N.C. Gen. Stat. § 90-14(a)(6), which is grounds under that section of the North Carolina General Statutes for the Board to annul, suspend, revoke, condition, or limit Dr. Yongue's license to practice medicine and surgery issued by the Board. Specific instances where Dr. Yongue's care and treatment of Patient A failed to conform the standards of acceptable and prevailing medical practice of the medical profession include, but are not limited to:

a. Dr. Yongue did not maintain an accurate and complete patient care record for Patient A documenting, among other things, the rationale for or effects of medication changes, periodic review of the results of therapies or treatments, and the plan for continued care.

b. On several occasions, new medications were prescribed and/or the prescribed dosage was changed without any evidence of contact with the patient.

c. For Patient A's last seven patient visits, there are no prescription notes despite the fact that Patient A was being prescribed a variety of medications.

#### SECOND CLAIM

11. Paragraphs one through three are realleged and incorporated herein by reference.

12. Dr. Yongue began treating Patient B in November 2006. Patient B's symptoms included depression, pain, and suicidal ideation. During the course of her treatment of Patient B, Dr. Yongue prescribed numerous medications including, antidepressants, narcotic analgesics, antipsychotics, and hypnotics. Patient B was also treated by an orthopedist and at a pain management clinic.

13. Dr. Yongue's care and treatment of Patient B, including but not limited to her lack of physical examinations, appropriated assessments, prescribing practices and medical record documentation, failed to conform the standards of acceptable and prevailing medical practice of the medical profession within the meaning of N.C. Gen. Stat. § 90-14(a)(6), which is grounds under that section of the North Carolina General Statutes for the Board to annul, suspend, revoke, condition, or

Notice of Charges - Judith Yongue, M.D.

limit Dr. Yongue's license to practice medicine and surgery issued by the Board. Specific instances where Dr. Yongue's care and treatment of Patient B failed to conform the standards of acceptable and prevailing medical practice of the medical profession include, but are not limited to:

a. Dr. Yongue did not maintain an accurate and complete patient care record for Patient A documenting, among other things, the rationale for or effects of medication changes, periodic review of the results of therapies or treatments, and the plan for continued care.

b. Dr. Yongue prescribed narcotic analgesics to Patient B without a physical assessment and without documented collaboration or consultation with Patient B's treating orthopedist or pain management clinic.

c. During ten months of Patient B's treatment with Dr. Yongue, Dr. Yongue prescribed numerous medications to Patient B including Percocet, a Schedule II controlled substance, OxyContin, a Schedule II controlled substance, Geodon, Lyrica, a Schedule V controlled substance, Valium, a Schedule IV controlled substance, Trazodone, and Provigil, a Schedule IV controlled substance. During this same period of time, the only physical examination of

Patient B performed by Dr. Yongue was an occasional blood pressure test.

NOTICE TO DR. YONGUE

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 sub-committee thereof at 8:00 a.m. on October 15, 2008, or as soon thereafter as the Board may hear it, at the offices of the Board, 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 and B 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.

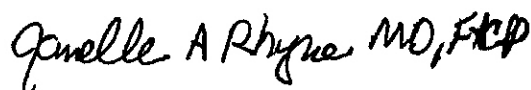
Pursuant to N.C. Gen. Stat. § 150B-40(c)(5), it is further ordered that the parties shall arrange a prehearing conference at which they shall prepare and sign a stipulation on prehearing

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 25<sup>th</sup> day of August, 2008.

NORTH CAROLINA MEDICAL BOARD



By:

\_\_\_\_\_  
Janelle A. Rhyne, M.D.  
President

BEFORE THE  
NORTH CAROLINA MEDICAL BOARD

In re:	)	
	)	
Judith Yongue, M.D.,	)	CONSENT ORDER
	)	
Respondent	)	
	)	

This matter is before the North Carolina Medical Board ("Board") on information and belief that Judith Yongue, M.D. ("Dr. Yongue"), committed unprofessional conduct within the meaning of N.C. Gen. Stat. § 90-14(a)(6) by failing to conform to the accepted and prevailing standards of medical practice. Dr. Yongue 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 the rules and regulations promulgated thereto; and

Whereas Dr. Yongue is a physician licensed by the Board on or about June 21, 1962, license number 13542; and

Whereas, at the times relevant hereto, Dr. Yongue practiced psychiatry in the Greenville, North Carolina area; and

Whereas Dr. Yongue began treating Patient A in January 2004 for a variety of complaints including depression, anxiety, insomnia and migraine headaches; and

Whereas Dr. Yongue continued to treat Patient A until November 2007 by prescribing numerous medications, including antidepressants, hypnotics and mood stabilizers; and

Whereas Dr. Yongue did not maintain a complete patient care record for Patient A documenting, among other things, the rationale for or effects of medication changes, periodic review of the results of therapies or treatments, and the plan for continued care; and

Whereas Dr. Yongue began treating Patient B in November 2006 for symptoms including depression, pain, and suicidal ideation; and

Whereas, during the course of her treatment of Patient B, Dr. Yongue prescribed numerous medications including, antidepressants, narcotic analgesics, antipsychotics, and hypnotics; and

Whereas Dr. Yongue also prescribed various narcotic analgesics to Patient B without performing a physical assessment and without documented collaboration or consultation with Patient B's treating orthopedist or pain management clinic; and



Whereas Dr. Yongue did not maintain a complete patient care record for Patient B documenting, among other things, the rationale for or effects of medication changes, periodic review of the results of therapies or treatments, and the plan for continued care; and

Whereas, Dr. Yongue's care and treatment of Patients A and B, as described above, failed to conform to, the standards of acceptable and prevailing medical practice within the meaning of N.C. Gen. Stat. § 90-14(a)(6), which is grounds for the Board to annul, suspend, revoke, condition, or limit Dr. Yongue's license to practice medicine and surgery issued by the Board; and

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

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

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

Whereas Dr. Yongue desires 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. Yongue's consent, it is ORDERED that:

1. Dr. Yongue's is hereby REPRIMANDED.
2. Dr. Yongue will cease to practice pain management and will not prescribe controlled substances for pain.
3. Within six (6) months of the date of this Consent Order, Dr. Yongue shall attend a medical record keeping course. Dr. Yongue shall request approval by the Board President of the course prior to attending the course. Additionally, Dr. Yongue shall submit proof of completion of the required course within thirty (30) days of completing the course to the Compliance Department of the Board.
4. Dr. Yongue shall obey all laws. Likewise, she shall obey all rules or regulations involving the practice of medicine.
5. Dr. Yongue shall notify the Board in writing of any change in her residence or practice addresses within ten (10) days of the change.
6. This Consent Order shall take effect immediately upon its execution by both Dr. Yongue and the Board and it shall continue in effect until specifically ordered otherwise by the Board.

7. Dr. Yongue hereby waives any requirement under any law or rule that this Consent Order be served on her.

8. Dr. Yongue acknowledges and agrees that failure to comply with any of the terms of this Consent Order shall constitute unprofessional conduct within the meaning of N.C. Gen. Stat. § 90-14(a)(6) and shall be grounds for the Board to summarily suspend Dr. Yongue's license to practice medicine or, after any required notice and hearing, for the Board to annul, suspend, or revoke his license, or to deny any application she might make in the future or then have pending for a license.

9. No provision of this consent order shall constitute an admission for any purpose other than for this and any other proceeding before the North Carolina Medical Board.

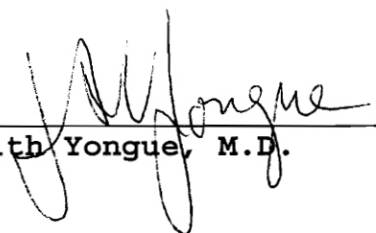
10. Upon execution by Dr. Yongue and the Board, this Consent Order shall become a public record within the meaning of Chapter 132 of the North Carolina General Statutes and shall be subject to public inspection and dissemination pursuant to the provisions thereof. Additionally, it will be reported to persons, entities, agencies, and clearinghouses, as required and permitted by law, including but not limited to the National Practitioners Data Bank and the Health Integrity and Protection Data Bank.

By Order of the North Carolina Medical Board this the 19<sup>th</sup>  
day of September, 2008.

NORTH CAROLINA MEDICAL BOARD

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

Consented to this the 19 day of September, 2008.

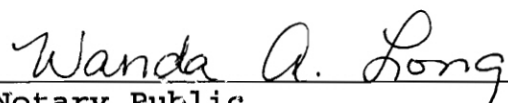
  
\_\_\_\_\_  
Judith Yongue, M.D.

State of North Carolina

County of WAKE

I, WANDA A. LONG, a Notary Public for the above named County and State, do hereby certify that Judith Yongue, 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 19th day of September, 2008.

  
\_\_\_\_\_  
Notary Public

(SEAL)

My Commission expires: 4-18-2010