

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:)
)
David Amsellem, M.D.,) FINDINGS OF FACT, CONCLUSIONS
) OF LAW, AND ORDER
) OF DISCIPLINE
Respondent.)

This matter was heard by the North Carolina Medical Board (hereinafter, "Board") on May 20, 2004 on Notice of Charges and Allegations dated March 26, 2004. Attorney Brian Blankenship represented the Board, and Attorney James A. Wilson represented David Amsellem, M.D. (hereinafter, "Dr. Amsellem").

Based upon the evidence presented and the arguments of counsel and Dr. Amsellem, 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. The Board first issued Dr. Amsellem a license to practice medicine and surgery on June 17, 1976, license number 20869.

3. Until his license was summarily suspended, Dr. Amsellem practiced psychiatry in the Goldsboro, North Carolina area.

4. Dr. Amsellem has a long history of psychotic disorder. Beginning in 1975, Dr. Amsellem sought and received psychiatric

treatment for schizophrenia, a condition that still affects Dr. Amsellem to this day.

5. On October 24, 2003, Dr. Amsellem was admitted to the psychiatric unit of Wayne Memorial Hospital with atypical psychosis. Dr. Amsellem told the Hospital staff at Wayne Memorial Hospital that he wrote his own prescriptions for Seroquel® (quetiapine fumarate) to treat his schizopherinia.

6. Dr. Amsellem was discharged on October 31, 2003 with a discharge diagnosis of schizoffective disorder.

7. On or about November 7, 2003, Dr. Amsellem was admitted to Dorthea Dix Hospital. Dr. Amsellem was assessed by Dr. John Kraus, the chief of adult psychiatry, on November 7th, and it was noted that Dr. Amsellem was likely medication non-compliant.

8. On November 18, 2003, Dr. Amsellem was discharged from Dorthea Dix Hospital.

9. On or about November 22, 2003, Dr. Amsellem was admitted to Dorothea Dix Hospital for a second time. It was noted during admission that Dr. Amsellem had recently been discharged but since his discharge had "not complied with his psychiatric medication." Dr. Amsellem's admitting diagnosis was schizophrenia.

10. Dr. Amsellem was discharged on December 17, 2003. Dr. Amsellem's discharge diagnosis was chronic undifferentiated

schizophrenia.

11. On March 9, 2004, the Board summarily suspended Dr. Amsellem's license to practice medicine due to his mental impairment.

12. On April 13, 2004, Dr. Amsellem was, again, involuntarily committed to Dorothea Dix Hospital.

13. Dr. Alan Cook, a psychiatrist and unit chief of the male admissions ward at Dorothea Dix, examined Dr. Amsellem on April 13, 2004 and confirmed a diagnosis of chronic undifferentiated schizophrenia. Dr. Cook also determined that Dr. Amsellem had been non-compliant with his medication regime.

14. On April 14, 2004, Dr. Amsellem was transferred to the adult male continuing care unit at Dorothea Dix Hospital where Dr. Bruce Worf served as unit chief. Dr. Worf previously treated Dr. Amsellem in November and December 2003. Dr. Worf found that Dr. Amsellem's symptoms had intensified since his last admission and also determined that Dr. Amsellem had been noncompliant with his medication regime.

15. Drs. Kraus, Cook, and Worf all testified that in their medical opinion, Dr. Amsellem, in his present condition, is unable to practice medicine.

16. Dr. Amsellem disputed the contention that his condition renders him unable to practice medicine. However, Dr. Amsellem

presented no independent medical testimony to counter the testimony presented by the Board's physician witnesses.

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

CONCLUSIONS OF LAW

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

2. Dr. Amsellem is unable to practice medicine with reasonable skill and safety to patients by reason of illness and/or by reason of any physical or mental abnormality within the meaning of N.C. Gen. Stat. § 90-14(a)(5).

ORDER

1. The North Carolina medical license of Dr. Amsellem, M.D. is hereby REVOKED.

2. This ORDER is effective May 21, 2004, at which time the Order of Summary Suspension is dissolved.

This the 29th day of July, 2004.

NORTH CAROLINA MEDICAL BOARD

Charles L. Garrett M.D.

By: _____

Charles L. Garrett, M.D.
President-Elect