

BEFORE THE  
NORTH CAROLINA MEDICAL BOARD

In re: )  
 )  
Scott Richard McClelland, D.O., )            CONSENT ORDER  
 )  
Respondent. )

This matter is before the North Carolina Medical Board ("Board") regarding information provided to the Board concerning Scott Richard McClelland, D.O., ("Dr. McClelland"). Dr. McClelland makes the following admissions and the Board makes the following findings and conclusions:

STATUTORY AUTHORITY

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.

FINDINGS OF FACT

Dr. McClelland was first issued a license to practice medicine and surgery by the Board on or about January 20, 2006, license number 29064.

At all times relevant hereto, Dr. McClelland practiced psychiatry in Wilmington, North Carolina.

In November 2014, the Board had concerns regarding Dr. McClelland's prescribing of controlled substances. The Board expressed its concerns to Dr. McClelland and requested he complete certain continuing medical education ("CME"). Dr. McClelland completed the requested CME in April 2015.

Several months later, the Board conducted a review of Dr. McClelland's charts, Patients A through D. The review was performed by an outside expert who practices psychiatry and provides pain management. The Board's reviewer found many deficiencies with Dr. McClelland's prescribing. The Board adopts the reviewer's findings as its own.

The Board finds the following with regard to Dr. McClelland's care of Patients A through D:

- Lack of information about a patient's failure in multiple pain management clinics while prescribing maintenance opioids (oxycodone) to a patient.
- Failure to provide or arrange for psychotherapy for a patient with complex psychopathology.
- Failure to consult and document use of the North Carolina Controlled Substance Reporting System when providing maintenance opiate pain management.
- Failure to use objective instruments or consultation when diagnosing attention deficit-hyperactivity disorder in an adult.
- Failure to avoid therapeutic duplication or carefully document the risk-benefit analysis in the record when doing so.

- Inclusion of ambiguities in the medical record resulting in incomplete and inaccurate medical record entries.
- Failure to create collaborative communication with primary care providers, especially when medical comorbidities may directly affect the psychiatric care.
- Treatment with excessive dosing of medications, especially sedating benzodiazepines.
- Failure to provide medication for Bipolar I disorder when this is diagnosed according to readily available practice guidelines.
- Failure to recognize and intervene when adverse effects of medications activate a new episode of the patient's underlying mood disorder.
- Failure to perform and document a risk-benefit analysis for an individual patient who becomes pregnant during the course of complex polypharmacy.
- Failure to prescribe medications according to their pharmacokinetic properties and recommended dosages and document the justification for any variance from these.

#### CONCLUSIONS OF LAW

Dr. McClelland's care of Patients A through D, as described above, constitutes unprofessional conduct, including, but not limited to, departure from or failure to conform to the standards of acceptable and prevailing medical practice, within the meaning of N.C. Gen. Stat. § 90-14(a)(6) and grounds exist under this section of the North Carolina General Statutes for the Board to annul, suspend, revoke, condition or limit Dr. McClelland's license to practice medicine or to deny any application he might make in the future.

PROCEDURAL STIPULATIONS

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

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

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

Dr. McClelland desires to resolve this matter without the need for more formal proceedings.

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

ORDER

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

1. Dr. McClelland shall surrender his DEA privileges.
2. At his own expense, Dr. McClelland shall submit himself for a comprehensive assessment by the Center for Personalized Education for Physicians ("CPEP") within sixty (60) days of the execution of this Consent Order.
3. Dr. McClelland shall obey all laws. Likewise, he shall obey all rules and regulations involving the practice of medicine.

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

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

6. If Dr. McClelland 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 and to deny any application he might make in the future or then have pending for a license.

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

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

9. Upon execution by Dr. McClelland 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 Federation of State Medical Boards and the National Practitioner Data Bank.

By Order of the North Carolina Medical Board this the 25<sup>th</sup> day of April, 2017.

NORTH CAROLINA MEDICAL BOARD

By: Eleanor E. Greene, MD  
Eleanor E. Greene, M.D.  
President

Consented to this the 19<sup>TH</sup> day of APRIL, 2017.

  
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Scott Richard McClelland, D.O.

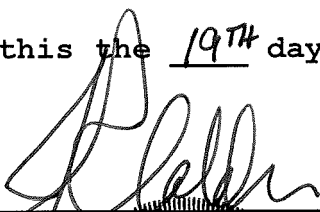
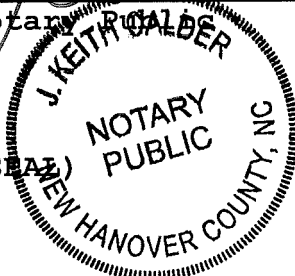
State of NORTH CAROLINA

County of ONSLOW

I, J. KEITH CALDER, a Notary Public for the above named County and State, do hereby certify that Scott Richard McClelland, D.O. personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal

this the 19<sup>TH</sup> day of April, 2017.

  
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Notary Public  


My Commission Expires: 8/27/19