

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:)	
)	
Lance Robert Fuller, M.D.,)	CONSENT ORDER
)	
Respondent.)	

This matter is before the North Carolina Medical Board ("Board") regarding information provided to the Board concerning Lance Robert Fuller, M.D. ("Dr. Fuller"). Dr. Fuller 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 to it in Article 1 of Chapter 90 of the North Carolina General Statutes and the rules and regulations promulgated thereto.

FINDINGS OF FACT

Dr. Fuller was first issued a license to practice medicine by the Board on or about March 1, 2008, license number 2007-01083.

At all times relevant hereto, Dr. Fuller practiced psychiatry in Garner, North Carolina.

Beginning in 2015, Dr. Fuller was hired by Scott Elliott to be the medical director at Garner Family Care Services ("GFCS"). GFCS is a psychiatric practice in Garner, North Carolina. Dr. Fuller took over the position of medical director from another physician. GFCS provided psychiatric care to patients through Dr. Fuller and two physician assistants. The physician assistants were supervised by Dr. Fuller.

GFCS was owned and operated by Mr. Elliott, a non-physician. Mr. Elliott purchased the practice from a physician, other than Dr. Fuller, in 2010. As a general rule, with few exceptions, none of which are applicable here, a business entity that engages in the practice of medicine must be owned by licensees of the Board. This is known as the Corporate Practice of Medicine doctrine. By owning and operating a medical practice, GFCS, without being a duly licensed physician, Mr. Elliott engaged in the unlicensed corporate practice of medicine. By practicing medicine on behalf of GFCS, Dr. Fuller unknowingly aided and abetted the unlicensed corporate practice of medicine.

Dr. Fuller was paid a set salary for the medical services he provided on behalf of GFCS. In turn, GFCS billed for Dr. Fuller's and the physician assistants' services. All revenue, minus expenses and salaries, went to GFCS and Mr. Elliott. This compensation arrangement constituted inappropriate fee splitting.

Beginning in February of 2017, Mr. Elliott had Dr. Fuller providing services with programs other than GFCS. Dr. Fuller continued to provide supervision to the two physician assistants who were providing care at GFCS.

In July 2017, the two physician assistants provided notice to GFCS that they would be leaving the practice. In August 2017, Mr. Elliott closed the practice abruptly, without the knowledge of Dr. Fuller. The abrupt closure of GFCS caused patients to feel abandoned. The Board received several complaints from patients detailing problems getting prescriptions refilled, disruptions in continuity of care, and difficulties obtaining copies of medical records.

CONCLUSIONS OF LAW

Dr. Fuller acknowledges that his conduct, as described above, constitutes unprofessional conduct, including, but not limited to, the departure from, prevailing medical practice, 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, condition or limit Dr. Fuller's license to practice medicine or to deny any application he might make in the future.

PROCEDURAL STIPULATIONS

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

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

Dr. Fuller, with advice of counsel, acknowledges that he has read and understands this Consent Order and enters into it voluntarily.

Dr. Fuller 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. Fuller's consent, it is ORDERED that:

1. The Board hereby issues Dr. Fuller a PUBLIC LETTER OF CONCERN.

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

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

4. Upon request, Dr. Fuller shall provide the Board with any information the Board deems necessary to verify compliance with the terms and conditions of this Consent Order.

5. If Dr. Fuller 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 to deny any application he might make in the future or then have pending for a license to practice medicine.


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

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

8. Upon execution by Dr. Fuller 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 5th
day of June, 2018.

NORTH CAROLINA MEDICAL BOARD

By:  M.D.
Timothy E. Lietz, M.D.
President

Consented to this the 3RD day of JUNE, 2018.


Lance Robert Fuller, M.D.

State of North Carolina

County of Johnston

I, Joseph C. Iadonisi, do hereby certify that
Lance Robert Fuller, 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 3rd day of
June, 2018.


Notary Public

(Official Seal)

My Commission Expires: September 19, 2021

