

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:)	
)	
Scott Sherlock Emerson, D.O.,)	CONSENT ORDER
)	
Respondent.)	

This matter is before the North Carolina Medical Board ("Board") regarding information provided to the Board concerning Scott Sherlock Emerson, D.O. ("Dr. Emerson"). Dr. Emerson 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. Emerson was first issued a license to practice medicine by the Board on or about April 9, 2012, license number 2012-00588.

At all times relevant hereto, Dr. Emerson practiced Psychiatry in Asheville, North Carolina.

Patient A is a veteran suffering from post-traumatic stress disorder and other diagnoses. Patient A received care for her

diagnoses at the Asheville Veterans Administration Hospital ("Asheville VA"). Her care included receiving a controlled substance medication for one of her diagnoses. Her primary prescriber for the controlled substance was a clinical pharmacist practitioner known as a "PharmD" in VA nomenclature. Per Asheville VA policy, whenever a PharmD prescribes a controlled substance for a mental health condition, the patient chart must be reviewed by a staff psychiatrist. The staff psychiatrist will review the patient chart, and after reviewing the chart, make a determination whether the prescription is medically indicated and justified. Only after the reviewing psychiatrist approves the medication will the prescription be issued.

In early May 2020, Dr. Emerson reviewed a prescription for Adderall® (amphetamine) for Patient A as recommended by a PharmD. In reviewing the necessity for the prescription, and per Asheville VA policy, Dr. Emerson would have become aware of Patient A's mental health history, and of course become aware that Patient A was a patient receiving psychiatric care from the Asheville VA. Dr. Emerson had no pre-existing relationship with Patient A, and prior to reviewing her chart, had never met Patient A.

The Asheville VA prohibited its providers from having intimate relationships with patients when no pre-existing relationship existed. This policy was entitled "Ethical Conduct and Therapeutic Boundaries in Employee-Patient Relationships."

Despite having prior knowledge that Patient A was a patient of the Asheville VA, despite having reviewed her mental health record and thus gaining knowledge of Patient A's medical condition, and despite having a physician-patient relationship with Patient A, albeit one that was primarily administrative, isolated, and limited by virtue of authorizing her a prescription for a controlled substance, Dr. Emerson, nonetheless, knowingly entered into a romantic relationship with Patient A.

For months, Dr. Emerson failed to notify his supervisor or Asheville VA of his relationship with Patient A. Furthermore, Dr. Emerson only disclosed the relationship after Patient A continued to struggle with life stressors and after he was approached by Asheville VA staff to authorize more prescriptions to Patient A. Dr. Emerson had time after he knew Patient A to be a patient of the Asheville VA, and for whom he had reviewed her medical chart, to prevent the relationship from developing.

As the relationship continued, Patient A became more dependent on Dr. Emerson. Dr. Emerson met Patient A's children and accompanied Patient A to a child custody proceeding involving Patient A and her ex-husband. As a result of his relationship with Patient A, Dr. Emerson could no longer authorize prescriptions from the PharmD, and another psychiatrist would have to take over this function.

Patient A reports that after Dr. Emerson ended his relationship with her, she felt abandoned. Furthermore, Patient A reports that her new assigned psychiatrist refuses to discuss the emotional issues she experiences resulting from her previous relationship with Dr. Emerson because of their working relationship. According to Patient A, because of this refusal, she is not receiving the full range of care from the Asheville VA.

CONCLUSIONS OF LAW

Dr. Emerson's conduct, as described above, constitutes unprofessional conduct, within the meaning of N.C. Gen. Stat. § 90-14(a)(6), including, but not limited to, a departure from, or the failure to conform to the ethics of the medical profession, or the committing of any act contrary to honesty, justice, or good morals, which is grounds under that section of the North Carolina General Statutes for the Board to annul, suspend, revoke, condition, or limit Dr. Emerson's license to practice medicine or to deny any application he may make in the future.

PROCEDURAL STIPULATIONS

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

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

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

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

1. Dr. Emerson is hereby REPRIMANDED.
2. Dr. Emerson shall take and successfully complete the Professional/Problem-Based Ethics ("ProBE") course, an education course offered by the Center for Personalized Education for Professionals ("CPEP"), within six (6) months of the date of this Consent Order. Dr. Emerson shall submit evidence of the successful completion of the ProBE course to the Board's Compliance Coordinator, North Carolina Medical Board, P.O. Box 20007, Raleigh, NC 27619-0007 or compliance@ncmedboard.org within five (5) days of receiving his grade. To register for the ProBE course, Dr. Emerson should contact CPEP at 303.577.3232 (Denver, CO office), 919.238.6436 (Raleigh, NC office), or visit their website, www.cpepdoc.org.

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


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

5. Upon execution by Dr. Emerson, 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 9th day of March, 2022.

NORTH CAROLINA MEDICAL BOARD

By:


John W. Rusher, M.D., J.D.
President

Consented to this the 8 day of March, 2022.



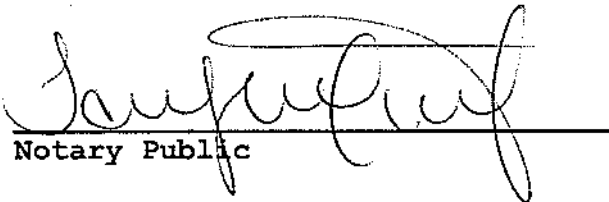
Scott Sherlock Emerson, D.O.

State of North Carolina

County of Buncombe

I, Jaymary Morales, do hereby certify that Scott Sherlock Emerson, 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 8th day of March, 2022.


Notary Public

(Official Seal)

My Commission Expires: 3/18/2025

