

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:)
)
Kathy Diane Mayo, M.D.,) CONSENT ORDER
)
Respondent.)

This matter is before the North Carolina Medical Board ("Board") regarding information provided to the Board concerning Kathy Diane Mayo, M.D. ("Dr. Mayo"). Dr. Mayo 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. Mayo was first issued a license to practice medicine by the Board on or about July 20, 1991, license number 34393.

At all times relevant hereto, Dr. Mayo practiced psychiatry in Greenville, North Carolina.

The Board received two complaints within a few months expressing concerns about Dr. Mayo's pharmacovigilance and prescribing of controlled substances, particularly her concomitant prescribing of benzodiazepines and hypnotics. A review of Dr. Mayo's prescribing as reported in the North Carolina Controlled Substances Reporting Service reinforced these concerns. As a result, the Board had several medical records reviewed by a reviewing expert.

The reviewing expert expressed similar concerns regarding the concomitant prescribing of benzodiazepines and hypnotics. In addition, the expert criticized Dr. Mayo's prescribing of benzodiazepines and hypnotics beyond the maximum recommended dosages without: (1) attempting alternative treatment modalities; or (2) documenting a discussion with the patient regarding the increased risks associated with exceeding the maximum recommended dose.

Dr. Mayo met with a panel of Board members to discuss these concerns, and the Board and Dr. Mayo have agreed to a plan to address these concerns as follows.

CONCLUSIONS OF LAW

Dr. Mayo acknowledges that her conduct, as described above, constitutes a departure from or the failure 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 under

that section of the North Carolina General Statutes for the Board to annul, suspend, revoke, condition, or limit Dr. Mayo's license to practice medicine or to deny any application she may make in the future.

PROCEDURAL STIPULATIONS

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

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

Dr. Mayo, with the advice of legal counsel, acknowledges that she has read and understands this Consent Order and enters into it voluntarily.

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

1. Dr. Mayo's North Carolina license to practice medicine is hereby CONDITIONED and RESTRICTED as follows:

- a. Dr. Mayo shall have the authority to continue to prescribe and taper controlled substances to her patients, as necessary, for one-hundred-twenty

(120) days following the execution of this Consent Order.

b. After one-hundred-twenty (120) days have elapsed following the execution of this Consent Order, Dr. Mayo shall not prescribe any controlled substances.

c. Dr. Mayo shall engage, at her own cost, Warren Pendergast, M.D. ("Monitor") to ensure the following:

i. Dr. Mayo shall, in cooperation with the Monitor, work with her employer's electronic health record system to produce an accurate and complete database of Dr. Mayo's active patients being prescribed controlled substances, including data regarding the controlled substances prescribed to those patients and the conditions for which those patients are being treated;

ii. Dr. Mayo shall, in cooperation with the Monitor, create and execute a documented strategy to transition all patients being prescribed controlled substances to non-controlled substances or to transition care

of those patients to another healthcare provider. Dr. Mayo shall complete the transition within one-hundred-twenty (120) days from the date of this Consent Order;

iii. Dr. Mayo shall obtain from the Monitor a final report confirming that all patients as described above have been transitioned to non-controlled substances or to another healthcare provider; and

iv. Dr. Mayo shall provide a copy of the database and the final report to the Board's Compliance Coordinator at compliance@ncmedboard.org within thirty (30) days after the completion of the transition of the patients as required by this Consent Order.

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

3. Dr. Mayo 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. Mayo 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. Mayo 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 her license to practice medicine and to deny any application she 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. Mayo and the Board, and it shall continue in effect until specifically ordered otherwise by the Board.

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

8. Upon execution by Dr. Mayo 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 January, 2023.

NORTH CAROLINA MEDICAL BOARD

By:  _____
Michaux R. Kilpatrick, M.D., Ph.D.
President

Consented to this the 6 day of January, ~~2022~~ ²⁰²³

Kathy Diane Mayo, M.D.
Kathy Diane Mayo, M.D.

State of North Carolina

County of Pitt

I, Charlene Grady, do hereby certify that
Kathy Diane Mayo, 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 6th day of
January, ~~2022~~ ²⁰²³

Charlene Grady
Notary Public

(Official Seal)

My Commission Expires: 5/25/2027

